

TOMPKINS COUNTY SOIL & WATER CONSERVATION DISTRICT

EMPLOYEE HANDBOOK

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Human Resource Solutions Made Simple

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TOMPKINS COUNTY SOIL & WATER CONSERVATION DISTRICT

EMPLOYEE HANDBOOK

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Tompkins County Soil & Water Conservation District Employee Handbook

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100 INTRODUCTION

101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the Tompkins County Soil & Water Conservation District (TCSWCD). As a part of our team, you take on an extremely important role, that of providing vital services to the members of the communities we serve. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

This Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the District in delivering services to the public effectively and efficiently.

Please keep in mind that this is only an overview of the District's policies and procedures, employee benefits, and the Civil Service System. Specific questions concerning employment matters should be addressed to your supervisor.

We trust that you will find service with the Tompkins County Soil & Water Conservation District to be rewarding both personally and professionally.

102 *Definitions*

Tompkins County Soil & Water Conservation District – For purposes of this Employee Handbook, the Tompkins County Soil & Water Conservation District may be referred to as the “TCSWCD” or the “District”

District Board – For purposes of this Employee Handbook, “District Board” will mean the Board of Directors of the TCSWCD.

District Manager – For purposes of this Employee Handbook, “District Manager” will mean the District Manager of the TCSWCD. This definition will be applicable in the event such person is serving in an acting, temporary, provisional or permanent status in the position of District Manager. When referenced in this Employee Handbook, District Manager shall also mean an individual acting with the District Manager's properly designated authority.

Supervisor – For purposes of this Employee Handbook, “supervisor” will mean the individual so designated by the District Manager to direct and inspect the performance of employees. The term supervisor will also include the position of District Manager itself where applicable.

Employee – For the purposes of this Employee Handbook, “employee” will mean a person employed by the District, including, but not limited to, an appointed member of a board, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

Civil Service Law – For purposes of this Employee Handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *Civil Service Rules for Tompkins County*.

103 *The Purpose of this Employee Handbook*

Statement of Purpose – The purpose of this Employee Handbook is to communicate the District’s personnel policies and practices to all employees. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law or any other applicable law, rule, or regulation. The provisions and policies contained in this Employee Handbook are intended to supersede any and all prior manuals, guidelines or related policies issued by the Tompkins County Soil & Water Conservation District.

Unless otherwise required by law, the provisions of this Employee Handbook are for District use only and do not apply in any criminal or civil proceeding. The Employee Handbook provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Handbook provision may form the basis for administrative action by the District and any subsequent judicial or administrative proceeding.

Plan Documents – Some of the subjects described in this Handbook are covered in greater detail in benefit plan documents or applicable laws governing the benefit, such as New York State Retirement Law for retirement benefits. This Handbook only briefly summarizes those benefits. The terms of written insurance policies, benefit plans, and applicable laws and regulations control in all cases.

Previous Employee Handbook or Personnel Policies – Unless otherwise specified, this Employee Handbook supersedes and replaces any previous employee handbook or personnel policies issued by the District concerning all policies contained herein.

Superseding Agreements – In the event an expressed and explicit provision set forth in a separate written agreement between the District and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Questions – Any questions regarding any topic covered in this Employee Handbook should be directed to the District Manager.

104 *Changes or Modifications*

Rights of the District Board – The District Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

Governmental Actions – This Employee Handbook is subject to alteration by resolutions of the District Board, changes in District and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

Statutes, Laws and Ordinances – In the event a federal or state statute or other applicable law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

200 EMPLOYEE CLASSIFICATIONS

For purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules.

201 *Full-Time Employees*

For purposes of this Employee Handbook, the term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of 40 hours per week.

202 *Part-Time Employees*

For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work less than the standard work week of the District.

203 *Temporary Employees*

For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

204 *Seasonal Employees*

For purposes of this Employee Handbook, the term “seasonal employee” will mean an employee who is employed to work for a given season.

205 *Fair Labor Standards Act (FLSA) Exempt Employees*

For purposes of this Employee Handbook, “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act.

206 *Fair Labor Standards Act (FLSA) Non-Exempt Employees*

For purposes of this Employee Handbook, the term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

300 THE CIVIL SERVICE SYSTEM

The following is intended as a guide. The Civil Service Law and the *Civil Service Rules for Tompkins County* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

301 *The Unclassified and Classified Services*

Unclassified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Unclassified Service” will include all individuals who are Elected Officials and/or members of boards or commissions.

Classified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the *Civil Service Rules for Tompkins County* will include all District employees who are subject to the *Civil Service Rules for Tompkins County*. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

302 *Civil Service Appointments*

Competitive Class – In accordance with Civil Service Law, the following types of appointments may be made to positions in the Competitive Class:

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the

position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

303 Examinations and Promotions

Examinations – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the District intends to maintain, the District will fill the vacancy by selection from the eligible list certified by the Tompkins County Personnel Department of persons who have taken the appropriate Civil Service examination. The Tompkins County Personnel Department will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the District will select one of the top three eligible candidates on the list willing to fill the position.

Promotions – The District will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above "one of three" rule will apply. An employee who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher level positions for which the employee may be qualified.

304 Veterans Credits

Summary – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veterans credits on a Civil Service examination. An employee who is a veteran should contact the Tompkins County Personnel Department for details concerning these credits.

400 EMPLOYMENT MATTERS

401 *Procedure for Filling Vacancies*

Statement of Compliance – The Tompkins County Soil & Water Conservation District is an Equal Opportunity Employer. The District complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Civil Service Law, Title VII, NYS Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act (as applicable).

Notification of Vacancies – In the event there is a vacancy in a new or existing position which the District intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The District reserves the right to fill a position either internally or with an external candidate.

Employment Applications – The District relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the District's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

Employment Reference and Background Checks – To ensure that individuals who join the District are well qualified and have a strong potential to be productive and successful, it is the policy of the District to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the District to conduct appropriate background checks.

403 *Probationary Period*

The *Civil Service Rules for Tompkins County* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

Purpose of Probationary Period – The purpose of the probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides supervisors with an opportunity to evaluate the employee's job performance and potential for development in the position.

Length of Probationary Period – Except as otherwise provided in the *Civil Service Rules for Tompkins County*, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight nor more than fifty-two weeks. The length of the probationary period may be extended in accordance with the *Civil Service Rules for Tompkins County*.

Successful Completion of Probationary Period – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's

appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law, completion of the probationary period does not necessarily confer rights or privileges in the position.**

Failure to Successfully Complete Probationary Period – In the event the employee's performance or conduct is not satisfactory, the District may dismiss the employee from employment at any time after the completion of the minimum probationary period and before completion of the maximum probationary period. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by Civil Service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

404 *New Employee Orientation*

Procedure – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the District and their job. The orientation process generally consists of, but is not limited to, a tour of the employee's assigned worksite, distribution and review of this Employee Handbook, and enrollment in benefit plans, if applicable. In addition, the employee's supervisor is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the job description and performance requirements of the position.

405 *Performance Appraisal*

Statement of Purpose – To establish a system to promote communication between supervisors and staff, improve job understanding, and promote effective job performance and career advancement. The purpose of a performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration criteria that properly reflect the employee's performance including, but not limited to, the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills. The employee's performance appraisal may be considered in determining a pay increase and/or as a factor in promotion or disciplinary action.

Frequency – An employee will be formally evaluated prior to completion of a probationary period. Thereafter, appraisals will occur at least once each year on a date determined by the employee's supervisor. Informal evaluations will occur on an as needed basis throughout the performance cycle.

Appraisal Meeting – The evaluator will meet with the employee to review the employee's performance appraisal report.

Deficiencies – Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement.

Employee Comments – An employee's written comments, if any, will be included with the performance appraisal report.

406 **Corrective Action and Discipline**

Policy Statement – It is the policy of the TCSWCD that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the District, and the delivery of services to residents of the District. Any conduct that interferes with operations or that discredits the District will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the District. Corrective action is necessary when an employee has demonstrated performance deficiencies or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

Communication – Open and candid communications with all employees is an important aspect of the TCSWCD's on-going employee relations. When a rule, policy, or procedure is violated, the employee's supervisor, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered.

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

Discipline – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. In **normal circumstances**, the District endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The District retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit.

Investigations – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual(s) in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The District reserves the right to suspend an employee while an investigation is conducted.

Procedures – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 407 of this Employee Handbook).

Prohibited Conduct – Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the District's right to impose discipline in other appropriate cases.

- Willful violation of District's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the District, supplier, visitor, or any other person, whether on or off District premises.
- Engaging in any action that is in violation of the District's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on District or County Owned property or in District vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on District property or in District vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of District property or the property of another employee, Elected Official, resident of the District, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of District property or the property of another employee, Elected Official, resident of the District, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including, but not limited to, employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the District.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, Elected Official, resident of the District, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of District policy or applicable law.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.

- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the District, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the District's best interest or any conduct that does not warrant public trust.
- Unauthorized expenditure of District funds.
- Illegal gambling while on duty.
- Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with District operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or repeated failure to give proper notice.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving your work area without permission, as defined by your supervisor.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a supervisor.
- Personal activity during paid work time without the express permission of the supervisor.
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

This list is not intended to be comprehensive and does not limit the District's right to impose discipline in other appropriate cases.

407 **Civil Service Law Section 75**

Summary – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the District.

Covered Employees – In accordance with Civil Service Law, the following employees are generally covered under Section 75:

- A newly hired employee who has not completed the minimum probationary period as determined by civil service rules;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, other than a position designated in the Civil Service Rules for Tompkins County as confidential or requiring the performance of functions influencing policy. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

Disciplinary Procedure – The following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75:

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- **Disciplinary Hearing** – Unless there is a stipulation of settlement between the District and the employee, the Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

The Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

Right to Representation – The employee may have representation by counsel at the hearing and may summon witnesses on the employee's behalf.

Suspension Without Pay Pending Determination of Charges – Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty calendar days.

Penalties – In the event the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- Reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from District employment.

Finding of Not-Guilty – In the event the employee is found to be not guilty, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

Limitations – Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

Filing Requirements – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Tompkins County Personnel Department.

408 Code of Ethics

Policy Statement – The Tompkins County Soil & Water Conservation District expects all employees to maintain the highest standards of professionalism and integrity in the performance of their job duties and while representing the District. All work must be performed in an ethical manner and in accordance with government regulations and the Tompkins County Code of Ethics, a copy of which will be furnished to all employees.

409 Personnel Records

Policy Statement – It is the policy of the District to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the District will endeavor to maintain only that personnel information necessary for the conduct of the District's business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

Content – The personnel records maintained by the District include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisals, grievance or dispute resolution notices, counseling memoranda, notices of discipline, and probationary reports.

Location of Files – All original personnel records for current employees will be kept in the District Manager's office and will be maintained and controlled by the District Manager.

Immigration (I-9) Forms – All Immigration (I-9) Forms will be kept in a separate file apart from the employee's personnel file.

Medical Records and/or Substance Testing Records - All employee medical records and substance testing records (if applicable) will be kept in a separate file apart from the employee's personnel file. ***For security purposes, these files will be locked at all times.***

Change in Status – An employee must immediately notify the District Manager of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Review of Personnel Files – Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the District Manager and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee's personnel file without the approval of the District Manager.

410 ***Separation from Employment***

Notice of Resignation – An employee who elects to resign or retire from employment is asked to submit a written notice to the District Manager at least two workweeks before the date of resignation/retirement is to be effective. If an employee provides more notice than requested, the District will determine whether the additional notice is necessary for efficient operations. The resignation letter should include the reason for resigning and the exact date it is to take effect. Failure to give at least ten working days' notice and work ten days following such notice may jeopardize the employee's ability to obtain payment for any accrued benefits.

An employee is generally not allowed to rescind a verbal or written notice of resignation once it has been submitted to the employee's supervisor.

Completion of Notice Period – When a resignation notice is provided by an employee, the District reserves the right to waive some or all of the notice period.

Exit Interviews – Exit interviews are normally conducted by the employee's supervisor and/or the District Manager. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of District property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck will include payment for accumulated vacation benefits, if acceptable advance notification of resignation is provided. Compensatory time will be paid out to the accumulated maximum amount.

500 OPERATIONAL POLICIES

501 *Departmental Hours*

Normal Hours of Operation – The normal hours of District operations are established by the District Board. The standard working hours for the District is 8:00am to 4:30pm. Each employee's work schedule will be established by the employee's supervisor, and may differ from the normal hours of operation depending upon the needs and requirements of the District.

Flex-Time – An employee may begin and/or end a given workday at a time requested by the employee and approved by the District Manager. Such "flex-time" must normally be during the time services are available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the supervisor and the employee. The District Manager and the District Board reserve the right to approve all "flex-time" schedules.

Overtime – A supervisor may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's supervisor before working additional hours. An employee who, after investigation, is found to have worked overtime hours without proper authorization, or who refused to work additional hours as directed, will be subject to appropriate disciplinary action.

502 *Meal and Rest Breaks and Breaks for Nursing Mothers*

Meal Breaks – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break of 30 minutes.

Scheduling of Meal Breaks – Scheduling of meal breaks must be approved by the supervisor in accordance with the needs and requirements of the department.

Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the supervisor, an employee may leave the worksite during the meal break.

Observance of Meal Breaks – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take a meal break of at least 30 minutes. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

Rest Breaks – A full-time employee will normally receive a paid, duty-free rest break of up to 20 minutes which can be split into two 10 minute breaks.

Rest breaks are to be taken approximately in the middle of the first half of the employee's workday and again during the middle of the second half of the workday.

In the event an employee works beyond the employee's normal workday, the employee will normally receive an additional paid, duty-free rest break of up to 10 minutes to be taken approximately in the middle of each four hours of work that is not interrupted by a meal break. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

Approval of Rest Breaks – Rest breaks must be approved by the employee's supervisor in accordance with the needs and requirements of the department. Unless otherwise specified by departmental rules, all rest breaks must be taken at the worksite and may not exceed the time allowed.

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable unpaid break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The District will provide this unpaid break at least once every three hours if requested by the employee. The District will allow the employee to make up time not worked as a result of the unpaid break either before or after the employee's work shift (during the District's normal hours of operation). This provision applies to nursing mothers for up to three years following childbirth. The District will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this unpaid break is required to give the District advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the District an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

503 Emergency Situations

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the District Manager may authorize the closing of non-emergency operations or, if extraordinary weather conditions or other emergencies develop during a workday, the District Manager may direct that certain employees who perform non-essential services leave work.

Payment of Wages – Pay for FLSA non-covered or exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – An employee who is directed by the District Manager to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. The employee may charge such absence to available vacation or personal leave credits or make up the time at a later date if agreed to by the supervisor.
- **Prior to Reporting to Work** – An employee who is directed by the District Manager not to report to work due to an emergency closing will not be paid for that workday. The employee may charge such absence to available vacation or personal leave credits or make up the time at a later date if agreed to by the supervisor.

Inclement Weather – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the District. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the District Manager has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her supervisor prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

504 Time Records

Policy Statement – Statutory employment regulations require the District to maintain accurate records of employee work hours. Accurate time records allow the District to calculate each employee's compensation for time worked and authorized paid leave taken in a given workweek. Time worked is all time actually spent on the job performing assigned duties.

Procedures for FLSA Non-Exempt Employees – Non-exempt employees must record their work hours on a time sheet. The time sheet should indicate the daily number of hours worked and all paid and unpaid absences. Time sheets should be verified and signed by the employee and the employee's supervisor at the end of each pay period and turned in to the District Manager by Monday morning following the pay period @ 9:00am or Friday afternoon @ 4:30pm if Monday is a holiday and the employee is not working that weekend. If the employee is working that weekend alternate arrangements must be made with the District Manager to obtain the timesheet.

Procedures for FLSA Exempt Employees – FLSA exempt employees must complete time sheets each pay period to track attendance and account for authorized paid leave taken.

Correction of Errors – An employee must immediately bring errors in time records to the attention of the employee's supervisor who will investigate the matter and make and initial the correction once the error has been verified.

Arriving at Work Before/After Scheduled Work Hours – Arriving at work before the scheduled starting time or leaving work after the scheduled ending time for an employee's own convenience when no work is performed for the District is not to be included in working time.

Falsification of Time Records – An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee's own time record, the supervisor may complete the time record on behalf of the employee.

506 *Expense Reimbursement*

Policy Statement – The District will reimburse employees for pre-authorized business expenses that are incurred in the performance of their jobs. These expenses include, but are not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. An employee is expected to limit all business expenses to reasonable amounts. Specific, prior approval from the District Manager will be required for significant or non-standard expenditures. The District Manager reserves the right to reject reimbursement requests that are deemed unreasonable or inappropriate.

Mileage – When an employee’s personal vehicle is used to conduct authorized District business, the employee is reimbursed at the prevailing IRS rate. Any business-related tolls and parking fees are also reimbursed.

Procedure – An expense form with all required documentation and corresponding receipts must be submitted to the District Manager at least 1 workdays prior to the next scheduled Board meeting in order for the reimbursement to be processed.

Education and Training – Upon proper authorization of the District Board, an employee will be reimbursed for training courses that are directly related to the employee’s present job. Employees must first seek approval from their supervisor before the request is presented to the District Board.

Required Membership Fees – Upon proper authorization of the District Manager, an employee required to hold membership in a professional organization as part of the employee’s job will be reimbursed for any required dues and/or fees. The following criteria must be met before membership dues are paid for District Employees:

- a.) The endeavors of the organization must be directly related to the position of the employee.
- b.) It is determined by the District Board that membership in the organization will be beneficial to the employee in the performance of his or her official duties and participation therein will increase the efficiency of the District, and membership is made a duty of the office.
- c.) Membership in organizations which are primarily beneficial in a personal manner shall not be authorized.

507 *Vehicle Usage*

Policy Statement – All vehicles and related equipment of the TCSWCD are owned and maintained for the purpose of conducting official business of the District. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

Standards – For the purpose of compliance with this policy, the following standards must be met at all times:

- District vehicles must be assigned to specific District employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-District related business. District vehicles may only be driven to an employee’s home if that vehicle is needed before normal operating

hours to get to a business related destination the following day, or it is in the best interest of the District financially to allow the employee to take the vehicle home instead of reimbursing mileage to that employee for their personal vehicle.

- District vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of District vehicles, and must report them to the District Manager. The District is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.
- An employee using a District vehicle must complete a user maintenance checklist for each usage. The checklist will address items such as safety and equipment inspections, fueling/refueling, cleanliness, etc.
- An employee using a District vehicle must complete a vehicle usage log that includes date of use, purpose of trip(s), beginning and ending odometer readings, identification of the vehicle operator, and identification of expense account that mileage can be billed to.
- The District Manager or their duly authorized representative will develop and maintain a preventative maintenance plan.
- Any accident involving a District vehicle, regardless of severity, must be reported immediately to the District Manager.
- The District Manager must file an accident report with the District Board within 24 hours of the accident.
- Reports of all accidents involving District vehicles must be submitted to the appropriate insurance representative by the District Manager.
- The use of a cell phone when driving on District business must be compliant with all applicable laws and/or regulations.
- District vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the District Manager.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on District vehicles at any time.
- District vehicles may not be used to transport persons who are not officials or employees of the TCSWCD, nor material not related to the conduct of official District business, without direct authorization by the appropriate supervisor or the District Board.
- District Vehicles and related equipment must remain under the direction and control of the employee to which it is assigned.

508 *Driver's License / Insurance Requirements*

Requirement – An employee who is required to drive either a District-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the District, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the District. If a personal vehicle is used to conduct business on behalf of the District, the employee is responsible for ensuring liability insurance coverage meeting NYS requirements is appropriately maintained.

Loss of Driver's License – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate supervisor in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's employment with the District.

509 *Supplies, Tools and Equipment, and Fuel Usage*

Supplies – All District-owned supplies must be used efficiently and not wasted. An employee may not use any District supplies including, but not limited to, postage, paper, or office supplies for personal use.

Tools and Equipment – The employee must repair or replace any District-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any District-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use District facilities, District-owned tools or equipment to work on vehicles or trailers not owned by the District.

Fuel – An employee may not use gasoline, fuel oil, or motor oil purchased by the District for personal use.

510 *Telephone / Cell Phone Usage*

Guidelines – Telephone and cell phone usage must adhere to the following guidelines:

- An employee may make personal telephone calls. However, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- An employee must answer promptly and speak in a clear, friendly and courteous tone. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.

- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may not make or receive personal calls on a District provided telephone or cell phone that will result in additional charges to the District, except in an emergency and/or with prior approval from the supervisor. The employee must reimburse the District for the cost of the call.
- The use of District issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on District business must be in compliance with all applicable laws.

Personal Cell Phone Usage – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below. These guidelines do not apply to District-owned cell phones that are issued for the specific use of an employee’s job duties.

- With the exception of an emergency situation, cell phones may not be used for personal purposes during work hours unless the employee is on an authorized break or has permission from a supervisor.
- No personal text messages may be sent or received during working hours.
- No music, movies, or any other personal usage of cell phones will be allowed during working hours.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the District.

511 **Computer Systems and Internet / E-mail Service**

Please refer to **Tompkins County Acceptable Computer Use Policy** for detailed information about County owned and operated Computer Systems, Internet and Email.

Policy Statement – The purpose of this policy is to provide the following requirements for the use of District-owned computer systems and Internet / e-mail service.

Computer Systems

Property – All computer systems, hardware, software, and files are the property of the TCSWCD. This includes the messages created, transmitted, and stored on such systems and equipment.

Usage – All computer systems, hardware, and software provided to an employee are provided for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the TCSWCD. No unauthorized or unlicensed hardware or software may be used or installed on any District-owned computer. Any hardware or software necessary to perform job duties should be requested of the employee's supervisor.

District's Right to Monitor Computer Systems and Equipment - There is no guarantee of privacy when using District-owned computer systems and equipment. The District reserves the right to enter, search, and monitor employee communications equipment and files, with or without advance notice, at any time in the normal course of business. Supervisors have the authority to inspect the contents of any computer equipment, data/files, or electronic mail ("e-mail") of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of supervisors may be inspected by the District Manager in the normal course of duty. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored, or deleted on such systems, including items that are password protected.

Additionally, the District has the authority to monitor and record each web site, chat room, and newsgroup visited on the Internet, and every e-mail message and file transfer into and out of the District's network. The District may also monitor each employee's Internet activity and usage patterns to ensure that the District's resources are being utilized for appropriate business purposes. Any employee who is required to have a password must submit that password to the employee's supervisor.

Prohibited Uses – In addition to the requirements set forth above, the following uses of District-owned computers and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring, viewing, or storage of obscene or suggestive messages or graphic images;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing District business;
- Using or aiding in the unauthorized use of another person's password;

- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of non-business software;
- Gambling;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not authorized by the District;
- Installation or use of District-owned hardware or software for any use that is not District related business;
- Installation or use of any unauthorized or unlicensed hardware or software;
- Installation of any software containing viruses.

Internet / Electronic Mail Requirements

Eligibility – Internet / e-mail service may be provided to employees who can demonstrate a work-related reason to have access. Approval must be given by the employee's supervisor.

Proper Usage – In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet / e-mail service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the TCSWCD. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- E-mail must be used in a professional manner.
- Messages must not be threatening, insulting, obscene, abusive, or derogatory.
- Messages must not include content that constitutes sexual harassment.
- Chain letters are illegal and must not be transmitted through e-mail.
- Employees are responsible for saving any e-mail that they want to keep permanently.
- Messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity.
- Messages must not involve personal not-for-profit solicitations.
- Messages must not potentially embarrass the TCSWCD.
- Files must be housecleaned at least once a month, deleting any old e-mail and/or downloaded information that has been saved.
- Passwords should not be given to anyone other than the employee's supervisor.
- Internet must not be used for the propagation of computer viruses.
- Internet must not be used for personal recreational activities (e.g., online games).
- Participation in non-business Internet chat groups or instant messaging is prohibited.
- As a security precaution, a workstation must not be left signed onto e-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day.
- Employee Internet / e-mail usage may be subject to filtering and may be monitored.
- Employees should be aware that deletion of any e-mail message or file does not truly eliminate that message or file from the system. All e-mail messages are stored on a central back-up system in the normal course of data management.

Reliability – Users should be aware that because the Internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The District is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the employee’s supervisor. Once the employee’s supervisor is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

512 *Personal Appearance*

Policy Statement – It is the policy of the District that each employee’s dress, grooming and personal hygiene should be appropriate to the work situation.

Standards – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the District. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear attire that is inappropriate for the work environment. The District Manager or supervisor reserves the right to notify an employee if dress is deemed to be inappropriate.

Safety Clothing and Equipment – An employee may be required to wear safety clothing and equipment as directed by the supervisor. If such is the case, the employee must comply with all safety requirements.

Uniforms – An employee may be required to wear a uniform or standardized clothing as directed by the supervisor. If such is the case, the employee must comply with all requirements.

513 *Solicitations/Distributions*

Policy Statement – It is the policy of the District to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

During Working Hours – An employee may not distribute literature or solicit other employees during working hours without approval from the appropriate supervisor.

During Meal and Rest Breaks – With permission from the supervisor, an employee may distribute literature and solicit other employees during meal and rest breaks provided it does not interfere with the normal operations of the department, reduce employee efficiency, annoy fellow employees, or pose a security threat.

514 Disclosure of Information

Policy Statement – The Tompkins County Soil & Water Conservation District promotes open government and complies with all requirements regarding public access to information. However, the District recognizes that certain documents, records, and other information pertaining to District operations and activities contain sensitive and confidential information about District residents and others who do business with or on behalf of the District and/or its residents. Such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other District employees, family members or friends who do not have a District business reason to have such information.

Responsibility for Security of Confidential Information – Supervisors and employees are responsible for maintaining the security of documents, records and other information that fall within their department operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the District Manager.

Employee Personal Information - An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

515 Visitors

Policy Statement – It is the policy of the District not to allow personal visitors during working hours, except for emergency situations. Visitors are allowed for brief visits during an employee's meal break as long as such visit does not interfere with District operations or interrupt other employees who are still working.

516 Purchasing

Policy Statement – The District has established an official procurement policy that must be followed without exception. No employee shall make purchases for the District, or use the District's name to make purchases, unless so authorized by the District Board and in adherence to the procedures set forth in the procurement policy.

517 Maintenance of Work Area

Policy Statement – It is the policy of the District that work areas must be kept safe, clean and orderly at all times.

Employee Responsibility – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the supervisor;
- Abide by the smoking policy as specified in this Employee Handbook;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the supervisor.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the District Manager. Once the District Manager is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

Supervisory Responsibility – Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- Abide by and enforce the District's no-smoking policy;
- Ensure the proper disposal of all trash and waste.

518 Personal Property

Policy Statement – It is the policy of the District to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The District recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

Personal Liability – An employee is expected to exercise reasonable care to safeguard personal items brought to work. The District will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

Security Inspections – Desks, lockers and other storage devices may be provided for the convenience of employees but they remain the sole property of the District. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the District at any time, with or without notice. The inspection may be made in the presence of the employee. The District is not responsible for loss or damage to personal property placed in such storage devices.

519 District Property

Employee Responsibility – An employee will be responsible for any item issued by the District which is in the employee's possession and/or control, such as, but not limited to, the following:

- Equipment, including protective equipment
- Identification badges
- Keys
- Uniforms
- Books or other reference materials, including this Employee Handbook

Return of Property – All District property must be returned to the District before the employee's last day of work.

520 Unauthorized Work

Policy Statement – An employee may not perform work for any entity other than the District during the employee's authorized work hours, or claim that District work was done when such is not the case. Employees must devote their full scheduled shift to District business, as assigned.

521 Outside Employment

Policy Statement – It is the policy of the District that an employee may engage in outside work as long as such outside work does not interfere with the employee's performance standards, pose an actual or potential conflict of interest, or compromise the interests of the District.

Guidelines – The following guidelines have been established for an employee who engages in outside work.

- An employee will be judged by the same performance standards and will be subject to the District's scheduling demands, regardless of any existing outside work requirements.
- If the District determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the District as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the District.

- No District equipment, supplies, or other material may be used by an employee on other than District work.
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the District for materials produced or services rendered while performing the employee's District job.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the District.
- A District employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee's own time and that the employee is not representing the District while performing such work.

Employee Responsibility – A District employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the supervisor.

600 ABSENCE POLICIES

601 Attendance

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's supervisor at least 15 minutes before the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the supervisor.

Daily Notification – In the event an employee is unable to report to work, the employee must notify the employee's supervisor each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be waived.

Scheduled Absences – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the supervisor in advance. All requests for time off are subject to approval by the employee's supervisor on a case-by-case basis. Refer to the Vacation Leave and Personal Leave sections of this Handbook for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's supervisor at least 15 minutes before the employee's scheduled starting time. The employee must speak directly with the supervisor, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Leaving a message on an answering device or with a co-worker is not permitted. Notification requirements may be waived in cases of emergency.

Unexcused Absences – Notification of an absence to an employee's supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's supervisor is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure – In the event an employee must leave work during the workday, the employee must seek permission from the employee's supervisor prior to leaving.

Leaving the Premises – An employee must obtain prior approval from the employee's supervisor to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

Documentation of Absences – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

602 Jury Duty Leave

Jury Leave - In the event a full-time or part-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the District is paying the employee's full pay during jury duty. If the employee receives a jury stipend from the courts, such amount must be reimbursed to the District. An employee can collect and keep any mileage or parking expense reimbursement that may be issued by the court system for performing jury duty.

The District shall pay a temporary or seasonal employee up to \$40 of the employee's wages for the first three days the employee serves jury duty if on those days the employee is scheduled to work for the District. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on jury duty.

Notification of Jury Duty – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's supervisor.

Return to Duty – In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

Accrual of Benefits – The District will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

603 Military Leave and Military Leave of Absence

Military Leave (New York State Law) – This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The Tompkins County Soil & Water Conservation District recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The District will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

Military Leave of Absence (Federal Law) – An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

604 Leave for Cancer Screening

Policy – The TCSWCD complies with New York State Civil Service Law which entitles all District employees to paid leave to undertake screening for breast cancer (under §159-b) and prostate cancer (under §159-c). This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

Allowance – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate cancer (male employees only). Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

Scheduling – An employee must receive prior approval from the employee's supervisor to take leave for this purpose. The request for leave should be submitted to the supervisor in writing a minimum of two days in advance. The supervisor will have total discretion in the approval of this leave, but will not unreasonably deny such request.

Documentation Requirements – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the supervisor from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

605 Leave for Blood Donations

Policy –The Tompkins County Soil & Water Conservation District complies with New York State Labor Law Section §202-j which entitles District employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for this same purpose.

Allowance – An eligible employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment.

Scheduling – An employee must receive prior approval from the employee's supervisor to take leave for this purpose. The request for leave should be submitted to the supervisor in writing a minimum of two days in advance. The supervisor will have total discretion in the approval of this leave, but will not unreasonably deny such request.

606 **Time Off To Vote**

Policy – The District encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If an employee is unable to vote in an election during non-working hours, arrangements can be made to permit voting during the workday.

Procedures – An employee should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled in a manner which causes the least disruption to departmental operations.

605 **Bereavement Leave**

Eligibility – In the event of a death of a full-time employee's immediate family member, the employee may take a paid leave for up to 3 consecutive days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the supervisor.

Definition of Immediate Family – For purpose of bereavement leave, "immediate family member" will mean the following:

- Spouse
- Parent
- Mother-in-law
- Daughter-in-law
- Grandparent
- Child
- Sibling
- Father-in-law
- Son-in-law
- Grandchild

Extended Bereavement Leave – With authorization from the employee's supervisor, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement leave. The supervisor will have total discretion in the approval of an employee's extended bereavement leave, based upon the needs of the department.

607 **Medical and/or Family Leave of Absence Policy**

Policy Statement – It is the policy of the Tompkins County Soil & Water Conservation District to grant a full-time employee a leave of absence without pay for a period of up to twelve weeks, under certain circumstances related to medical reasons or family care obligations.

Granting of Leave of Absence – The granting and duration of each leave of absence will be determined by the District Board in conjunction with applicable federal and state laws, including Civil Service Law Sections 71, 72 and 73, as applicable, and the *Civil Service Rules for Tompkins County*.

Types of Leave – The following types of leaves of absence will be considered:

- **Sick Leave of Absence** – Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The District requires certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

In addition to leave provided under this policy, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Medical and/or Family Leave. Employee should consult with their supervisor for further details regarding this provision.

- **Parental Leave of Absence** – Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.
- **Family Care Leave of Absence** – Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. The District requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.

Eligibility – To be eligible, an employee must meet the following requirements:

- The employee must have completed at least one year of full-time, continuous service during the previous twelve months prior to the date leave commences.
- Spouses who both work for the TCSWCD are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a child, spouse or parent, during any twelve month period.

Definitions – For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean and refer to an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - * A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - * A period of incapacity due to pregnancy or prenatal care;
 - * A period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
 - * **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage;
 - * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined directly below. This term does not include an employee's parents "in law".
 - * **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements – If the need for leave is foreseeable, the employee must give notice, in writing, to the supervisor at least thirty calendar days prior to the commencement date of the unpaid leave. The employee and supervisor must complete the Leave of Absence Request Form and forward the completed form to the District Manager for review. The failure of an employee to give thirty days' notice of foreseeable leave with no

reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

Status Reports – The employee must periodically update the supervisor as to the employee's status and intent to return to work.

Medical Certification – The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

The Tompkins County Soil & Water Conservation District reserves the right to request a second opinion by another health care provider. The District will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the District may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the District and the employee. This third opinion will be final and binding.

Leave for the Birth, Adoption or Foster Care Placement of a Child – Leave for the birth of a child or the placement of a child for adoption or foster care must conclude within twelve months from the date of the birth or placement.

Certification for Adoption/Foster Care – An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

Employment Restrictions During Leave of Absence – While on an approved unpaid leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the TCSWCD.

Benefits During a Leave of Absence – For the purpose of this policy, the following will apply:

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child or to care for a spouse, child or parent with a serious health condition** must first use all vacation leave credits which will be included in the maximum twelve weeks of leave. The substitution of paid leave for unpaid leave for these types of leave does not extend the twelve-week period.

For leaves taken due to the **employee's own serious health condition**, the employee must first use all sick leave and vacation leave credits, which will be included in the maximum twelve weeks of leave. However, in the event that the paid leave credits available are greater than the maximum twelve-week period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-week period,

up to a maximum of one year. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the District Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, **job reinstatement** beyond the one-year leave of absence is **not automatic** and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Civil Service Rules for Tompkins County*.

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted; the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.

- **Medical Insurance** – During the period of authorized leave under this policy, up to a maximum of twelve weeks, an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA will apply. In addition, the District may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
 - * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
 - * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; the employee is laid off while on leave.

Return to Work – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For an authorized leave of absence beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Civil Service Rules for Tompkins County*.

- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The District reserves the right to have the employee examined by a physician selected and paid for by the District to

determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.

- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the supervisor at least five business days prior to the date the employee is able to return. The supervisor shall in turn notify the District Manager.
- **Extension of Unpaid Leave of Absence** – An employee who wants an extension of the leave previously requested must notify the employee's supervisor at least two business days from the date the change occurred which necessitates the change in leave time. The District Board reserves the right to approve all leave extensions.

FMLA Statement of Compliance – The TCSWCD complies with the provisions of the Family and Medical Leave Act (FMLA). ***The Tompkins County Soil & Water Conservation District currently does not employ fifty or more employees who work twenty or more calendar workweeks per year. Therefore, District employees are not presently eligible for leave under FMLA, and will be afforded leave in accordance with the foregoing policy provisions.*** If at some point the Tompkins County Soil & Water Conservation District should employ fifty or more employees for twenty or more calendar workweeks in the current or preceding year, eligible employees will be afforded leave in compliance with FMLA.

609 Unpaid Leave of Absence

Policy Statement – Subject to the approval of the District Manager, unpaid leaves of absence other than under the Leave of Absence Policy may be available to an employee for personal reasons including, but not limited to, family responsibilities and education.

Request for Unpaid Leave – The employee must submit a request and the reasons for the leave, in writing, to the District Manager at least thirty calendar days prior to planned commencement of the requested leave. Shorter notification may be permitted in cases of emergency. The District Manager –OR– District Board has sole discretion in approving such leave.

Conditions of Leave – The District Manager will specify the duration of an unpaid leave of absence and may impose such other terms, conditions and restrictions on the employee as deemed appropriate. The maximum duration of an unpaid leave of absence may not exceed 4 calendar weeks.

Continuation of Benefits – An employee on an approved unpaid leave of absence may continue to be eligible for medical insurance coverage in accordance with COBRA

Disability benefits and accruals for leave benefits shall be suspended.

Return to Work – An employee who fails to return from an unpaid leave of absence at the scheduled expiration date without giving proper notice or receiving proper authorization shall be conclusively presumed to have voluntarily resigned from employment.

Change in Status – If the reason for the unpaid leave of absence changes, the employee must return to work.

700 COMPENSATION

701 *Wage and Salary*

Rate of Pay – An employee’s rate of pay will be established by the District Board.

Merit Increases – An employee may receive a pay increase based upon the employee’s past performance. The merit increase will be granted at the discretion of the District Board.

702 *Overtime / Compensatory Time*

Authorization – A supervisor may require an employee to work additional hours beyond the employee’s normal workday and workweek. An employee must receive prior approval from the employee’s supervisor before working additional hours.

FLSA Non-Covered and Exempt Employees – In accordance with the Fair Labor Standards Act, FLSA non-covered and exempt employees will not be paid for overtime nor receive “compensatory time” for any hours worked in excess of the employee’s normal workday or workweek.

FLSA Non-Exempt Employees – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee’s regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

Credit for Paid Leave – Holidays, Personal leave, vacation leave, Sick leave, bereavement leave, jury duty leave, and all military leave will not be included as time worked for the purpose of computing overtime.

Compensatory Time – With pre-authorization from the supervisor, a non-exempt employee will have the option of receiving “compensatory time” in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek. An employee may accumulate up to 16 hours in compensatory time credits. In the event an employee accrues more than 16 compensatory time credits, the employee must either use the excess compensatory leave credits within the pay-period in which it is earned or take paid overtime. An employee must use all compensatory leave credits within the calendar year in which they are earned or receive cash payment at the end of the calendar year at the employee’s then current rate of pay.

Termination from Employment – An employee whose employment with the District is terminated will receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee’s then current rate of pay.

703 Pay Period and Check Distribution

Payroll Period – Normally, employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period. Certain employees may be paid on a different schedule as established by the District Board.

Payday – Under normal circumstances, paychecks will be issued on a Wednesday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

Distribution – The District Manager is responsible for distribution of paychecks to employees.

Direct Deposit – The District provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the District Clerk or District Manager.

704 Payroll Deductions

taxes, and any other deduction required by law, will be deducted from the employee's paycheck. Such deductions will be noted on the paycheck.

Voluntary Deductions – Payroll deductions provided through the District's payroll system will be made from an employee's paycheck when authorized by the employee. Such deductions will be noted on the paycheck.

800 EMPLOYEE BENEFITS

801 *Holidays*

Designated Holidays – The District will follow the same holiday schedule as established annually by Tompkins County for its employees. The District will prepare a list of designated holidays each year for distribution to District employees.

Floating Holiday – A full-time employee is credited with one floating holiday each January 1 which must be used during that calendar year. A newly hired full-time employee will be granted a floating holiday for use during the first calendar year of employment only if the employee's date of hire is prior to July 1. An employee must receive prior approval from the employee's supervisor to take the floating holiday.

Eligibility – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay.

Holiday Observance – In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

Holiday Pay Requirement – Unless otherwise authorized, an FLSA non-exempt employee must work the employee's scheduled workday before and the employee's scheduled workday after a designated holiday in order to receive holiday pay.

Assigned to Work on a Holiday – A full-time FLSA non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at one and one-half times the employee's regular rate of pay. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

802 Vacation Leave

Eligibility – A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the supervisor.

Allowance – A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. An employee may take vacation leave only after it has been credited.

After Completion Of:	Vacation Leave
6 months to 3 years	4 hours/ pay period
3 years	6 hours/pay period

New Employees – A newly hired full-time employee will be credited with paid vacation leave as follows: After 6 months a new hire will receive 1 week (5 days) of paid vacation leave.

Continuous Service – Service periods shown above refer to continuous service. Continuous service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service.

Scheduling – An employee must receive prior approval from the employee’s supervisor to take vacation leave. Vacation leave credits may not be used in increments of less than 4 hours. The supervisor will have total discretion in the approval of vacation leave.

Accumulation – An employee may accumulate a maximum of 120 hours of unused vacation leave.

Holiday During Scheduled Vacation – In the event a designated holiday occurs on an employee’s normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee’s vacation leave credits will not be charged for that day.

Separation of Employment – An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee’s then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. (This requirement may be waived at the discretion of the District.) In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the District will pay an employee’s designated beneficiary for any unused vacation leave.

803 Sick Leave

Eligibility – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave but may be allowed to take time-off without pay provided the employee has prior approval from the supervisor.

Allowance - A full-time employee will be credited with 1 day of paid sick leave each month. The employee will be credited on the first day of the month after the sick leave has been earned. A sick leave “day” is based on the average number of hours an employee is normally scheduled to work each week.

New Employee – A newly hired employee will not be credited with sick leave credits prior to completing six months of continuous employment, at which time the employee will be credited with 3 days of paid sick leave.

Accrual During Leaves of Absence – An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the supervisor at least 15 minutes before the employee’s scheduled reporting time. The notification must be made personally to the supervisor, unless the supervisor authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee’s supervisor each day of the absence. These procedures must be followed to receive paid sick leave.

Proper Use of Sick Leave – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical procedure that inhibits the employee’s work. Sick leave credits may not be used in increments of less than 4 hours. An employee may take sick leave only after it has been credited.

Family Sick Leave – An employee may use up to three days of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee’s accumulated sick leave credits. For purpose of family sick leave, “immediate family member” will mean the employee’s parent, spouse or child, including step-child and foster child.

Accumulation – An employee may accumulate sick leave credits to a maximum of 165 days.

Medical Verification – The District may require medical verification of an employee’s absence if the District perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than 3 consecutive workdays due to an illness or injury. If an employee is on an authorized leave of absence, the provisions of the *Medical and/or Family Leave Policy* in this Employee Handbook shall apply.

Abuse of Sick Leave – An employee who, after investigation, is found to have abused the use of sick leave or falsified supporting documentation, will be subject to disciplinary action.

Sick Leave Credits Upon Retirement – The District Board has elected to provide §41(j) of the NYS Retirement and Social Security Law and allows credit for up to 165 days of accumulated sick leave at the time of retirement. To be eligible, an employee must retire directly from covered employment or within one year of leaving covered employment. The additional service credit is determined by dividing the total unused, unpaid sick leave days (not to exceed 165 days) by 260. For example: 130 unpaid sick leave days ÷ 260 = .50 or 6 months additional service credit. A retiring employee may request cash payment for up to 25% of unused sick leave credits. If the employee is paid for a portion of the total accumulated sick leave credits, only the remaining unpaid portion will be used to increase the employee's service credit at retirement under §41(j).

Separation of Employment - An employee whose employment with the District is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.

804 Personal Leave

Eligibility – A full-time employee is eligible for paid personal leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

Allowance – A full-time employee will be credited with 3 days of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. Personal leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take personal leave only after it has been credited.

New Employee – A new employee will be credited with 1 day of paid personal leave after the completion of six months of continuous service. Thereafter, the employee will be credited with the normal personal leave allowance each January 1.

Proper Use of Personal Leave – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave. Personal leave credits may not be used in increments of less than 8 hours.

Scheduling – An employee must receive prior approval from the employee's supervisor to take personal leave. The supervisor will have total discretion in the approval of personal leave.

Accumulation – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be canceled.

Separation of Employment – An employee whose employment with the District is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

805 Disclosure of Insurance Benefits

Summary – The following is a brief description of the insurance benefits currently offered by the District to eligible employees. Eligibility for benefits is dependent upon a variety of factors, including employment classification and length of service. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

Plan Administrator – The District Clerk and or District Manager serves as the Administrator of the District's benefits plans. The Administrator is responsible for all communications and disclosures concerning District benefits and is available to answer questions concerning the benefit plans.

Plan Documents – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or District policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the District Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The District Board is responsible for compliance with all applicable laws and regulations. The District Board may, at its discretion, change carriers and/or offer alternative insurance plans.

Changes in Benefits – Any benefit offered by the District to employees is subject to change or discontinuance by resolution of the District Board.

Enrollment Information – The District Clerk and or District Manager will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

Changes in Status – Employees whose status changes from full-time to part-time are notified of the changes to their District benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the District Clerk and or District Manager in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

Beneficiary – Under some of the District's benefit plans, each employee must designate a beneficiary for the employee's death benefits. This designation must be made in writing and on the form provided by the Administrator.

806 Medical Insurance

Eligibility – The District currently offers medical insurance coverage to each full-time employee and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

For purposes of this section, “Eligible Family Members” shall be deemed to include a domestic partner (if qualified under the applicable insurance plan), provided that an acceptable sworn statement is provided to the District Manager supporting the existence of the domestic partner relationship.

When Coverage Begins – Coverage will begin the first day of the month following the completion of one month of employment, provided all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage ends on the last day of the month in which the employee separates from employment. Coverage may continue for such eligible employees in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with District policy and plan documents.

Premium Payment – The amount of the insurance premium an employee is required to contribute is established by resolution of the District Board. This may be stated as a specific dollar amount or as a percentage of the premium cost. Contribution amounts are subject to change by resolution of the District Board. Full details are available from the District Manager.

Changes in Premium Contributions – The amount of the insurance premium an employee is required to contribute is subject to change by resolution of the District Board. The District Board will provide a two-month written notice of such change.

809 Dental Plan

Eligibility – The District currently offers a dental plan to each full-time employee. A part-time, temporary or seasonal employee is not eligible for this plan.

When Coverage Begins – Coverage will begin on the first day of the month following the completion of one month of employment, provided the employee meets all eligibility requirements of the dental plan.

Premium Payment – The Employee will pay the full premium for an individual dental plan.

Changes in Premium Contributions – The amount of the insurance premium an employee is required to contribute is subject to change by resolution of the District Board. The District Board will provide a two-month written notice of such change.

810 *Optical Plan*

Coverage – The District currently offers an optical plan to each eligible employee. Coverage will begin on the first day of the month following the completion of one month of employment, provided the employee meets all eligibility requirements of the optical plan.

Premium Payment – The Employee will pay the full premium for an individual dental plan.

Changes in Premium Contributions – The amount of the insurance premium an employee is required to contribute is subject to change by resolution of the District Board. The District Board will provide a two-month written notice of such change.

811 *Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)*

Summary – The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers “qualified beneficiaries” the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. **All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue.**

NYS Continuation Coverage – For purposes of this policy, references to COBRA will be considered to incorporate the requirements for “Continuation Coverage” set forth in NYS Insurance Law, which provides enhancements over and above the provisions of COBRA.

Eligibility – An individual is a “qualified beneficiary” if the individual is covered under a group health plan on the day before a qualifying event as either a covered employee or Elected Official, the spouse of a covered employee or Elected Official, or a dependent child of a covered employee or Elected Official. A child who is either born to or who is placed for adoption with the covered employee or Elected Official during a period of COBRA coverage is also a “qualified beneficiary” entitled to COBRA coverage.

Period of Coverage – COBRA coverage is in effect for a period of up to **thirty-six months**, following any qualifying event. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage.

Qualifying Events – If a qualified beneficiary loses coverage under a group health plan as a result of a “qualifying event,” the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary’s own expense. Any of the following circumstances are considered to be qualifying events:

- Termination of the covered employee’s (or Elected Official’s) employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee or Elected Official.
- Divorce or legal separation from a covered employee or Elected Official.

- A covered dependent ceases to be a "dependent child" under the health insurance plan.
- A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee or Elected Official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

Change in Beneficiary Status – An employee must notify the District within sixty calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The District will not be responsible for any loss of coverage resulting from failure by the employee to give notification of such an event.

Enrollment Information – The District Manager and or District Clerk will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. **Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms to the District Manager and or District Clerk within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

812 *Optional Insurance*

Summary – The District may make available optional disability, cancer, accidental, or other forms of insurance. The full cost of such insurance shall be borne by the employee, the premiums of which may be voluntarily withheld from the employee's salary.

813 *Workers' Compensation Benefits*

Coverage – The District will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers an accidental injury arising out of and in the course of employment, as determined by the Workers' Compensation Board. Eligibility for coverage is determined by applicable Workers' Compensation regulations.

When Coverage Begins – Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

Premium Payment – The District will pay the full premium for Workers' Compensation coverage for each eligible employee.

Reporting of Injury – The employee must report any accidental injury arising out of and in the course of employment to the supervisor immediately after the occurrence of the injury. The supervisor will notify the Tompkins County Personnel Department who will complete and submit the required forms.

Use of Sick Leave Credits – An employee may draw from the employee's sick leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay.

814 Unemployment Benefits

Coverage – The District will make available unemployment benefits to each employee ruled eligible for benefits under New York State labor law.

815 Social Security

Summary – Social Security benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the District.

816 The New York State Employees' Retirement System

Summary – The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits after completion of the required minimum period of creditable public sector service (either five or ten years depending on tier.)

Mandatory Membership – A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the Retirement System. An employee who is appointed to a permanent, full-time position on a probationary basis must join the Retirement System on the effective date of the probationary appointment. Employment is considered full-time unless:

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment for less than one year or employment on less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

Optional Membership – An employee who is not mandated to join may join the Retirement System. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the District Clerk and or District Manager. If the employee elects to join the Retirement System, the employee must complete the application form and return it to the District Clerk and or District Manager.

Waiver of Enrollment – An employee who is not mandated to join the Retirement System, and who chooses not to join, must complete a waiver of enrollment form.

817 Employee Assistance Program

Summary – The District will make available an Employee Assistance Program (EAP) for a full-time employee and the employee’s family to obtain confidential, professional counseling. This program is designed to help employees and their families deal with a variety of problems through professional consultation on a confidential basis.

Part-time, Temporary, or Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible to participate in this program.

How to Access the Program – The EAP program is administered by Family and Children’s Services of Ithaca, 127 W. State St. Ithaca, NY14850. You will be provided with up to eight free counseling sessions per year. An employee may contact the Employee Assistance Program at 607-273-7494 or 1 (800) 834-1239 to schedule an appointment. Please indicate “I would like to use my EAP”.

900 COMPLIANCE POLICIES

901 *Equal Employment Opportunity*

Policy Statement – The Tompkins County Soil & Water Conservation District is an Equal Opportunity Employer. The District does not unlawfully discriminate on the basis of race, religion, color, sex, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected class or status. Likewise, the District prohibits employees, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against District employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

Notification of Policy Violations – An employee should immediately report any perceived violation of this policy to the employee’s supervisor. In the event the employee is unable to discuss this matter with the supervisor, the complaint should be reported in writing to the District Manager or any member of the District Board. All complaints of discrimination will be investigated discreetly and promptly. This procedure is not intended to restrict an individual’s rights to make a complaint to a federal or state agency. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Application of Policy – This policy is for District use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for District administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

902 ***Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace***

Policy Statement – It is the policy of the Tompkins County Soil & Water Conservation District to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Tompkins County Soil & Water Conservation District is committed to educate employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, or any other protected status is strictly prohibited. In short, the District will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all employees, supervisors, and Board Members, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the District. Depending on the extent of the District’s exercise of control, this policy may be applied to the conduct of non-District employees with respect to harassment of District employees in the workplace.

Supervisory Responsibility – Supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

Prohibited Activity – No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials (e.g. letters, e-mail messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the District; it is not intended to be a comprehensive list and does not limit the District’s ability to take disciplinary action in other appropriate instances.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual’s employment; OR

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Forms of Sexual Harassment – Specific forms of behavior that the Tompkins County Soil & Water Conservation District considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

Reporting of Discrimination and Harassment (including Sexual Harassment) – Employees are encouraged to report incidents of harassment (including sexual harassment) to their supervisor and/or District Manager as soon as possible after their occurrence. If the employee's supervisor is believed to be involved in the incident, or if the employee is not comfortable in addressing the matter with the supervisor, the report should be made directly to the District Manager. If the District Manager is the source of the alleged harassment, the employee should report the problem to a District Board member. Employees who believe they have been discriminated against or harassed and

would like to obtain guidance as to how to proceed in filing a complaint, should contact their supervisor, the District Manager, or any member of the District Board. Employees who work during off-hours are encouraged to contact their supervisor, their supervisor, the District Manager, or any member of the District Board at home if these individuals do not work during the employee's shift.

Confidentiality – Complaints of harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the District to third parties or to anyone within the District employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Investigation of Complaint – The District Manager will determine the appropriate individual(s) to conduct the investigation. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

Employee Defense – Any employee charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

Employee Rights – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

Disciplinary Action – Any employee or official who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by District operating procedures, including Civil Service Law Section 75. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the District is empowered to take such action.

Prohibition Against Retaliation – Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The District will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

903 ***Violence in the Workplace***

Policy Statement – The Tompkins County Soil & Water Conservation District considers the safety of its employees, vendors, suppliers, visitors, and the general public to be of paramount importance. The District has zero tolerance for any employee or individual on District property who threatens, intimidates, or infers violence against any person or property associated with the District. The District considers any threat of violence or potential violence as legitimate, and takes immediate appropriate action, including the involvement of law enforcement. Implementation of this policy will include compliance with the NYS Workplace Violence Prevention Act in accordance with NYS Labor Law §27-b.

Prohibited Conduct – The District will not tolerate any acts of violence on District property or at any location where an employee is representing the District, and as such will take all reasonable and practical measures to prevent violence and protect employees and the general public from acts of violence. "Violence" includes physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities.

Firearms and Weapons – Employees or other individuals are prohibited from possessing firearms or weapons of any kind while on District premises; in District vehicles while conducting business for the District; or at work sites, or any other location during working hours or while representing the District, regardless of whether the person is licensed to carry the weapon. The only exceptions are law enforcement personnel and authorized security personnel. If any employee has knowledge of another employee's possession of a weapon, that knowledge should be reported to a supervisor as soon as possible.

Notification of Threatening Behavior – An employee who is subject to, witnesses, or becomes aware of any threats or acts of violence should inform the employee's supervisor immediately. Likewise, any suspicious individuals or activity must be reported immediately.

Prohibition Against Retaliation – An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

Policy Violations – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

904 **Drug-Free Workplace / Drug Free Awareness Program**

Policy Statement – It is the policy of the Tompkins County Soil & Water Conservation District that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

Coverage – The Tompkins County Soil & Water Conservation District's Drug-Free Workplace Policy pertains to all individuals who are employed by the Tompkins County Soil & Water Conservation District.

Compliance with Federal Drug-Free Workplace Act – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the District must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the District hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program:

Prohibited Conduct – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any job site or workplace, or in a District vehicle, a vehicle leased for District business, or a privately owned vehicle being used for District business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment. Any work-related accident or injury involving a District vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

Use of Prescription and Over-the-Counter Drugs – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

Non-Discrimination Policy – The Tompkins County Soil & Water Conservation District will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

Employee Assistance – It is the policy of the District to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee's supervisor to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be

used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

Employee Responsibilities – As a condition of the District receiving Federal grant monies, each employee must abide by this policy and notify the employee's supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

District Responsibilities – The District will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the District will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

Drug-Free Awareness Program – It is the policy of the Tompkins County Soil & Water Conservation District to maintain a drug-free workplace. In accordance with that policy, the District is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace

Employees with chemical dependence problems have a major negative impact on productivity, staff moral, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers' compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

4. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

905 *Controlled Substance and Alcohol Testing*

Statement of Compliance – The District Board has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA). The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

Covered Employees – The District's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate.

Acknowledgment Form – A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

906 *Smoking*

Policy Statement – In accordance with the NYS Clean Indoor Air Act, it is the policy of the District to prohibit smoking in the workplace, which includes all District buildings and all District vehicles.

1000 SAFETY

1001 *Workplace Safety*

Policy Statement – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the District to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

Employee Responsibility – In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, it is the employee's responsibility to understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

Safety Program – The District's safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible;
- Conducting inspections to find and eliminate unsafe working conditions and practices, control health hazards, and comply with the safety and health standards for every job;
- Training all employees in safety and health practices;
- Providing necessary personal protective equipment and instructions for its use and care;
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment;
- Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;
- Providing First Aid kits and fire extinguishers throughout buildings and facilities.

Accident Plan – In the event of an accident, an employee must immediately stop work and take the following steps:

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the supervisor immediately;
- If the accident appears serious, call 911; and
- Take steps to prevent additional accidents.

Accident Reporting Procedures – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the District Manager. The District Manager must complete an *Employer's Report of Injury Form (C-2F)* and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the District Manager. The District will maintain appropriate documentation of the incident.
- The District Manager and or District Clerk will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

1002 Hazard Communication Program

Statement of Compliance – The Tompkins County Soil & Water Conservation District is committed to providing a safe and healthy work environment and complies with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions. The District considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

Guidelines – The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** – The District must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor.
- **Container Labels** – All chemicals located at a worksite must be stored in the original or approved containers with the proper label attached. The supervisor must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The District will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the supervisor for labeling or proper disposal.
- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the supervisor for proper handling. No unmarked containers of any size are to be left in the work area unattended.

Safety Data Sheets (SDS) – An employee working with a hazardous chemical shall obtain a copy of the Safety Data Sheet (SDS) and a standard chemical reference from the employee's supervisor.

Employee Training – An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Safety Data Sheets.

Personal Protective Equipment (PPE) – Depending on job duties, an employee must routinely wear protective devices, such as gloves and safety glasses, as directed by the supervisor. An employee who is required to wear special safety equipment as directed by the supervisor must comply with the supervisor's request.

Emergency Response – Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's supervisor. The supervisor must insure that proper emergency response actions are taken.

Hazards of Non-Routine Tasks – The supervisor must inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals. Review of safe work procedures and use of required PPE must be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.

1100 COMMUNICATION PROCEDURES

1101 Organizational Communications

Summary – The District Board is committed to assuring effective communications between the Board and employees. The success of the organization is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with their supervisor should there be any questions.

Methods of Communication – Information will be communicated to employees in a variety of ways, including general and departmental meetings, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. All material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate supervisor.

1102 Adverse Communications

Policy Statement – An employee who receives any communication of a negative nature directed to the District, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the appropriate supervisor. The term “communication” shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

1103 Suggestions

Policy Statement – Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor of any suggestions which may be valuable to the District’s productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

1104 Public Relations

Policy Statement – The courteous, professional treatment of members of the public by all employees helps to build confidence among the citizens we serve. We ask that all employees make every effort to represent the District in a polite and professional manner.

Public Appearances – A District employee may on occasion be asked to speak or appear in an official capacity as a representative of the District before various groups or organizations (e.g. County Legislature, watershed organizations, schools, neighborhood groups, etc.). The employee must obtain prior approval from the District Manager before agreeing to do so.

1200 DISPUTE RESOLUTION

1201 *Dispute Resolution Procedure*

Policy Statement – The District Board has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, supervisors and members of the District Board which will enhance the overall operation of the District. The District will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

Definition of Dispute – For the purpose of this Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the District is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that District policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, sexual orientation, national origin, marital status, disability; or any other protected class; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

Step One – An employee who claims to have a dispute may present the dispute to the employee’s supervisor. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee’s supervisor will meet with the employee to discuss and attempt to resolve the matter.

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s supervisor, the employee may submit the matter to the District Manager. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

Within seven working days after receiving the dispute, the District Manager will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the District Manager will issue a written response.

Step Three – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the full District Board by filing a Request for Hearing with the District Clerk. The Request for Hearing must be submitted, in writing, within seven working days from receiving the Step Two response, or when the response should have been received. The Request for Hearing will include a written statement of the dispute as outlined in Step One of this Procedure.

The District Board will set the time and place for the hearing. All decisions rendered by the District Board will be final and binding.

Time Limits – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

Final Decisions – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official District policy.

Proper Use of Dispute Resolution Procedure – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the District to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Refusal to Proceed with Dispute – The District Board may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

1300 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

<p style="text-align: center;">TOMPKINS COUNTY SOIL & WATER CONSERVATION DISTRICT</p> <p style="text-align: center;">EMPLOYEE HANDBOOK ACKNOWLEDGMENT</p>

I hereby acknowledge that I have received a copy of the *Tompkins County Soil & Water Conservation District Employee Handbook* outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Tompkins County Soil & Water Conservation District. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my supervisor or the District Manager if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the District Board of the Tompkins County Soil & Water Conservation District reserves the right to interpret, change or modify any section of the Employee Handbook at any time. Except as otherwise provided by law, I understand that I am an employee at will.

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Handbook.

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Tompkins County Soil & Water Conservation District, and may be changed from time to time, by the Tompkins County Soil & Water Conservation District.

Employee name (please print)

Supervisor Name (please print)

Employee Signature

Supervisor Signature

Date of Signature

Date of Signature