

**WAYNE COUNTY**



**SOIL & WATER  
CONSERVATION DISTRICT**

# ***INTERNAL CONTROLS & POLICY GUIDEBOOK***

Adopted by Resolution of the District Board of Directors on December 16, 2010

Amended April 19, 2023 to reflect operational policies  
Effective May 1, 2023

**AMENDMENTS:**

**December 17, 2014**

**December 18, 2016**

**December 18, 2020**



*Guidebook licensed by:  
Public Sector HR Consultants  
LLC  
14 Knollwood Drive  
Glenville, New York 12302  
Telephone: 518.399.4512  
Fax: 518.384.1963  
[www.publicsectorhr.org](http://www.publicsectorhr.org)*

**WAYNE COUNTY**



**SOIL & WATER  
CONSERVATION DISTRICT**

**WAYNE COUNTY  
SOIL & WATER  
CONSERVATION DISTRICT**

# ***INTERNAL CONTROLS & POLICY GUIDEBOOK***

**December 16, 2010**

**Amended and adopted for operations May 1, 2023**

Copyright © *Public Sector HR Consultants LLC, Glenville, NY*

This Employee Guidebook is copyrighted material and is intended only for the internal use of the Wayne County Soil & Water Conservation District. The Wayne County Soil & Water Conservation District may copy this employee Guidebook for distribution to its employees. The contents of this Employee Guidebook may not be copied or reproduced in any form or by any means for any other individual or organization without the prior written permission of *Public Sector HR Consultants LLC*.

---

# Wayne County Soil & Water Conservation District Employee Guidebook

## Table of Contents

---

---

<b>100</b>	<b>INTRODUCTION</b>	<b>1</b>
101	Welcome Message	1
102	Definitions	1
103	The Purpose of this Employee Guidebook	2
104	Changes or Modifications	3
<b>200</b>	<b>EMPLOYEE CLASSIFICATIONS</b>	<b>4</b>
201	Full-Time Employees	4
202	Part-Time Employees	4
203	Temporary Employees	4
204	Contract Employees	4
205	Seasonal Labor Employees	4
206	Fair Labor Standards Act (FLSA) Exempt Employees	4
207	Fair Labor Standards Act (FLSA) Non-Exempt Employees	4
<b>300</b>	<b>THE CIVIL SERVICE SYSTEM</b>	<b>5</b>
301	The Unclassified and Classified Services	5
302	Civil Service Appointments	5
303	Examinations and Promotions	6
304	Veterans Credits	6
<b>400</b>	<b>EMPLOYMENT MATTERS</b>	<b>7</b>
401	Procedure for Filling Vacancies	7
402	Probationary Period	7
403	New Employee Orientation	8
404	Performance Appraisal	8
405	Corrective Action and Discipline	11
406	Civil Service Law Section 75	14
407	Code of Ethics	15
408	Personnel Records	15
409	Separation from Employment	16
410	Board of Directors	17

<b>500</b>	<b>OPERATIONAL POLICIES</b>	<b>19</b>
501	Departmental Hours	19
502	Meal and Breaks for Nursing Mothers	21
503	Emergency Situations	22
504	Time Records	23
505	Expense Reimbursement	24
506	Vehicle Usage	25
507	Driver's License / Insurance Requirements	26
508	District Assets, Supplies, Tools and Equipment, and Fuel Usage	27
509	Telephone / Cell Phone Usage	28
510	Use of Communication Systems and Equipment	29
511	Social Media	31
511	Personal Appearance	33
512	Solicitations/Distributions	33
513	Disclosure of Information	33
514	Visitors	34
515	Procurement & Financial Investments	34
516	Maintenance of Work Area	38
517	Personal Property	39
518	District Property	39
519	Unauthorized Work	39
520	Outside Employment	40
<b>600</b>	<b>ABSENCE POLICIES</b>	<b>41</b>
601	Attendance	41
602	Jury Duty Leave	41
603	Military Leave and Military Leave of Absence	42
604	Leave for Cancer Screening	43
605	Leave for Blood and/or Bone Marrow Donations	43
606	Time Off To Vote	44
607	Bereavement Leave	44
608	Volunteer Firefighters / Emergency Responders	45
609	Medical and/or Family Leave of Absence Policy	45
610	Unpaid Leave of Absence	50
<b>700</b>	<b>COMPENSATION</b>	<b>51</b>
701	Wage and Salary	51

702	Compensatory Time _____	51
703	Call-In Pay _____	52
704	Pay Period and Pay Distribution _____	52
705	Payroll Deductions _____	53
706	Deferred Compensation Plan _____	53
<b>800</b>	<b>EMPLOYEE BENEFITS _____</b>	<b>54</b>
801	Holidays _____	54
802	Vacation Leave _____	55
803	Sick Leave _____	56
804	Personal Leave _____	57
805	Catastrophic Leave Donation _____	59
806	Disclosure of Insurance Benefits _____	62
807	Medical Insurance Benefits _____	63
808	Medical Insurance Option-Benefit _____	64
809	Medical Insurance for Retirees _____	64
810	Dental & Vision Plan _____	65
811	Life Insurance Benefit _____	65
812	Continuation of Health Insurance Benefits (COBRA) _____	65
813	Workers' Compensation Benefits _____	67
814	Unemployment Benefits _____	67
815	Social Security _____	67
816	The New York State Employees' Retirement System _____	68
817	Education Assistance _____	68
818	Employee Assistance Program _____	70
<b>900</b>	<b>COMPLIANCE POLICIES _____</b>	<b>71</b>
901	Equal Employment Opportunity _____	71
902	The Americans with Disabilities Act _____	72
903	Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace _____	73
904	Reproductive Health Decision Making _____	81
905	Violence in the Workplace _____	81
906	Drug-Free Workplace / Drug Free Awareness Program _____	82
907	Controlled Substance and Alcohol Testing _____	84
908	Smoking _____	84
<b>1000</b>	<b>SAFETY _____</b>	<b>85</b>

1001	Workplace Safety	85
1002	Hazard Communication Program	86
<b>1100</b>	<b>COMMUNICATION PROCEDURES</b>	<b>88</b>
1101	Organizational Communications	88
1102	Adverse Communications	88
1103	Suggestions	88
1104	Public Relations	88
1006	Reporting of Improper Activities	89
<b>1200</b>	<b>DISPUTE RESOLUTION</b>	<b>90</b>
1201	Dispute Resolution Procedure	90
<b>1300</b>	<b>EMPLOYEE ACKNOWLEDGEMENT FORM</b>	<b>92</b>

#### **ADDENDUM**

- 1. WAYNE COUNTY IT POLICY**
- 2. WAYNE COUNTY ETHICS POLICY**

## 100 INTRODUCTION

---

### 101 *Welcome Message*

We would like to welcome and congratulate you on your appointment with the Wayne County Soil & Water Conservation District (WCSWCD or the District). As a part of our team, you take an important role of providing services to the members of the communities and protecting the natural resources. Together, our mission is to serve as a local agency prepared to manage and conserve the soil, water and natural resources of Wayne County.

Public employment should be regarded as a life-long career. Each Soil and Water Conservation District employee shall at all times be a dedicated, courteous and efficient representative of public employment, realizing that he/she is under the constant scrutiny of the public, and is performing an essential service. The maintenance of high standards of honesty, integrity, impartiality and conduct by each employee is paramount to assuring the proper performance and service of the Wayne County Soil and Water Conservation District, and to maintain the confidence of the citizens in the County.

This Internal Controls & Policy Guidebook, (Guidebook) 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. It is the District's operation guide and policy Guidebook.

Please keep in mind this document lists all of the District's policies and procedures, employee benefits, and the Civil Service System; however specific questions concerning employment matters should be addressed to your appointed supervisor.

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

### 102 *Definitions*

**Wayne County Soil & Water Conservation District** – For purposes of this Employee Guidebook, the Wayne County Soil & Water Conservation District may be referred to as the "WCSWCD" or the "District"

**District Board** – For purposes of this Employee Guidebook, "District Board" will mean the Board of Directors of the WCSWCD.

**District Manager** – For purposes of this Employee Guidebook, "District Manager" will mean the District's Manager of the WCSWCD. When referenced in this Employee Guidebook, District Manager shall also mean an individual acting with the District Manager's properly designated authority.

**Supervisor** – For purposes of this Employee Guidebook, "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 where applicable.

**Employee** – For the purposes of this Employee Guidebook, “employee” will mean a person employed by the District, including, but not limited to, an appointed member of a Board of Directors (for clarification look at NYS Law of Conservation and the definition of Public Official), 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 Guidebook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *Wayne County Civil Service Rules and Regulations*.

### **103 The Purpose of this Employee Guidebook**

**Statement of Purpose** – The purpose of this Employee Guidebook 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 Guidebook 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 Guidebook are intended to supersede any and all prior manuals, guidelines or related policies issued by the Wayne County Soil & Water Conservation District.

Unless otherwise required by law, the provisions of this Employee Guidebook are for District use only and do not apply in any criminal or civil proceeding. The Employee Guidebook provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Guidebook 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 Guidebook 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 Guidebook only briefly summarizes those benefits. The terms of written insurance policies, benefit plans, and applicable laws and regulations control in all cases.

**Previous Employee Guidebook or Personnel Policies** – Unless otherwise specified, this Employee Guidebook supersedes and replaces any previous Employee Guidebook 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 Guidebook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Guidebook will be applicable to all employees.



**Questions** – Any questions regarding any topic covered in this Employee Guidebook 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 Guidebook.

**Governmental Actions** – This Employee Guidebook 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 Guidebook, then such statute, law or ordinance will prevail.

## **200 EMPLOYEE CLASSIFICATIONS**

---

For purposes of this Employee Guidebook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Guidebook. 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 Guidebook, the term “full-time employee” will mean an employee who is regularly scheduled to work a forty (40) hours per week.

### **202 *Part-Time Employees***

For purposes of this Employee Guidebook, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work a maximum of thirty-nine (39) hours or less per week.

### **203 *Temporary Employees***

For purposes of this Employee Guidebook, 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 *Contract Employees***

For purposes of this Employee Guidebook, the term “contract employee” will mean an employee who is employed to work for the District with funds generated through a specific program or specific contract and who is not eligible for benefits. All contract employees will be paid through invoicing of time worked and will be demonstrated with the appropriate 1099 form at the end of the tax year. The contractor is required to provide proof of NYS Disability and Worker’s Compensation Insurance.

### **205 *Seasonal Labor Employees***

For the purpose of this Employee Guidebook, the term “seasonal labor employees” will mean an employee who is employed to work for the District during a specific season of the year to provide a specific service or function to the District with oversight from a Program Coordinator/Supervisor.

### **206 *Fair Labor Standards Act (FLSA) Exempt Employees***

For purposes of this Employee Guidebook, “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.

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

For the purposes of this Employee Guidebook, the term “FLSA non-exempt employee” will mean a covered employee who is subject to 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 *Wayne County Civil Service Rules and Regulations* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel. Any specific questions regarding Wayne County Civil Service Rules and Regulations should be directed to Wayne County Human Resources, located in the County Building, 26 Church Street, Lyons NY.

### 301 *The Unclassified and Classified Services*

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

**Classified Service** – In accordance with Civil Service Law and for purposes of this Employee Guidebook, the term “Classified Service” as defined by the Civil Service Law and the *Wayne County Civil Service Rules and Regulations* will include all District employees who are subject to the *Wayne County Civil Service Rules and Regulations*. 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 practical (Civil Service Law Section 41);
- **Competitive** – those positions for which it is practical 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 practical 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;
- **Probationary** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of an examination, prior to the 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 Wayne County Civil Service/Human Resources Department of persons who have taken the appropriate Civil Service examination. The Wayne County Civil Service/Human Resources 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 veteran's credits on a Civil Service examination. An employee who is a veteran should contact the Wayne County Civil Service/Human Resources Department for details concerning these credits.

## 400 EMPLOYMENT MATTERS

---

### 401 *Procedure for Filling Vacancies*

**Statement of Compliance** – The Wayne 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.

### 402 *Probationary Period*

The *Wayne County Civil Service Rules and Regulations* 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 (Competitive Class)** – Except as otherwise provided in the *Wayne County Civil Service Rules and Regulations*, an employee appointed from an open-competitive\_list must serve a probationary period of not less than eight (8) weeks nor more than fifty-two (52) weeks. The length of the probationary period may be extended in accordance with the *Wayne County Civil Service Rules and Regulations*.

**Length of Probationary Period (Other Classes)** – Except as otherwise provided in the *Wayne County Civil Service Rules and Regulations*, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight nor more than twenty-six weeks. The length of the probationary

period may be extended in accordance with the *Wayne County Civil Service Rules and Regulations*.

**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.

**Employment Status During Probationary Period** – During the probationary period (at any time after the completion of the minimum probationary period and before completion of the maximum probationary period), an employee will be subject to demotion, suspension, or discharge at the District's sole discretion. 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.

#### **403 *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 Guidebook, 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.

#### **404 *Performance Appraisal***

**Statement of Purpose** – The purpose of a performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration criteria that properly reflects 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 the completion of their probationary period. For information about probationary period please see section 402 of this Employee Guidebook. Performance reviews will take place on an as needed basis to promote communication between supervisors and employees, encourage more effective job performance, and address concerns.

**Written Report** – When appropriate, the performance review may include a written report to ensure proper understanding of the issues addressed. Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement. The employee will be given the opportunity to include written comments on the report, which will become part of the employee's personnel file. This will be signed by both the supervisor and the employee and dated as such.

**Procedure of Performance Appraisals** – The District Manager will conduct a review of the quality, quantity and efficiencies within their work efforts in the work place. The District Manager will distribute the individual reviews to the corresponding staff members. The staff will have one business week (5 working days) to review the material, comment and document anything necessary for the review. The District Manager will meet with the staff members individually and discuss the review. This process will give the staff and the District Manager a chance to discuss work issues. Once the review is completed and signed by both the District Manager and the employee, the reviews will be sent to the Board of Directors to be reviewed at the next Board meeting. The District Board's Personnel committee will decide on a recommendation that will be presented to the Board of Directors at the following monthly board meeting. The District Board's Personnel Committee, appointed at the beginning of the year's organizational meeting, may or may not participate in the entire performance appraisal process. This is at the discretion of the Board of Directors and will be decided by the Board of Director's annually

Note: Annual Appraisals will be conducted in the fourth quarter of the calendar year but this does not limit the Board or District Manager to conduct a performance appraisal at any other time deemed necessary for any employee, for any reason. The Board of Directors reserves the right to address performance related concerns at any other time of the year.

### **Management Performance Appraisals**

**Statement of Purpose** – The purpose of a performance appraisal is to evaluate management performance. The performance appraisal will take into consideration criteria that properly reflect the leadership performance within the District. This includes, but is not limited to, the work quality, job knowledge, initiative, attendance, teamwork, conduct, community development, financial management, personnel management, outreach, communication skills and conservation community programming development. The performance appraisal may be considered in determining a pay increase and/or as a factor in promotion through title change or disciplinary action.

**Frequency** – A manager will be formally evaluated prior to the completion of their probationary period. For information about the probationary period please see section 402 of this Employee Guidebook. Performance reviews will take place on an as needed basis to promote communication between the Board of Directors and management employees, encourage more effective job performance, and address concerns.

**Written Report** – When appropriate, the performance review may include a written report to ensure proper understanding of the issues being addressed. Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement. The employee will be given the opportunity to include written comments on the report, which will become part of the employee's personnel file.

**Procedures of Performance Appraisals for Field Program Management** – Field Program Managers are subject to the same performance review structure of the staff members they supervise. The District Manager will provide direct supervision to the Field Program Managers and review their Annual Plans of Work and Management task responsibilities.

**Procedure of Performance Appraisals for Management** – The Board of Directors may request a performance review on a manager at any time. The Manager will conduct a self-

review of the quality, quantity and efficiencies within their workplace and submit a copy to each of the Board members for review in the form as requested by the Board. At the same time, the Manager will send out anonymous surveys to each full/part time staff member, not including seasonal staff, with an addressed envelope to the Chairman of the Board. The staff will have the opportunity to fill out the review and send them in to the Chairman of the Board for their comments by a specific date. The Manager will not see or review these notes. The Chairman of the Board will assess the comments for the presentation date of the performance appraisal.

At the next monthly Board of Directors' meeting an interview will be conducted where at the time, the Manager will be able to make a presentation. Following the presentation, the Board will excuse the Manager for discussion of recommendations. The Manager will be asked to return to the meeting for the completion of the review.

The District Secretary/Treasurer will be asked to type up the Memo of Recommendations to include any notes or any changes that need to be followed up on by the Manager. The Manager and the Board Chairman will then sign the memo and it will be placed in the personnel file of the current Manager.

Note: Following the probationary period appraisal, annual appraisals for management will be conducted during December of each year, but this does not limit the Board or District Manager to call for a performance appraisal at any other time deemed necessary.

## **Incentive for Professional Development**

### **Operations Certifications**

Achievement of a Board approved (either state or nationally recognized) certification will be rewarded upon completion/approval and presentation to the District Board of a \$500.00 increase on base salary pay. This will be in addition to annual performance evaluations. One certification reward can only be achieved once each calendar year. These certifications include, but are not limited to:

- Certified Crop Advisor
- Notary
- Management Certification
- Technical Skill or Service Certification
- North Atlantic Aquatic Connectivity Collaborative
- Job Approval Authority for 2 or more practices
- HydroCAD

Certification must be maintained in order to keep the incentives or payment will be discontinued.

This incentive is being offered to motivate individuals that strive to develop professionally within their scopes of work. This not only will bring benefit to the District through service opportunities, but also to the individual as a professional employee.

The District recognizes that often times there aren't enough work hours in the day for additional training and workload. This incentive should help for each staff member to see value in time spent in and out of work on professional growth.

The District Board and District Manager reserve the right to review this policy annually.



### **Nationally Recognized Skill Certifications**

Achievement of a Board approved (either state or nationally recognized) certification will be rewarded, upon completion/approval and presentation to the District Board, with an increase to the base salary as designated below and will be prorated on an annual basis if achieved mid-year. All certification documentation is required. This will be in addition to annual performance evaluations. One certification reward can only be achieved once each calendar year. These certifications include, but are not limited to:

- Certified Nutrient Management Planner (\$7,500.00)
- Certification in Engineering Design and ACAD operations (\$4,000.00)
- Certified Field Engineer (\$4,000.00)
- Certified Professional Erosion Sediment Control (\$3,500.00)
- Certified NYS Erosion Sediment and Stormwater Inspector (\$3,500.00)
- Certified Professional in Stormwater Quality (\$2,500.00)
- Certified Wetland Delineation Certification (\$3,500.00)

Certification must be maintained in order to keep the incentives or payment will be discontinued. This incentive is being offered to motivate individuals that strive to develop professionally within their scopes of work. This not only will bring benefit to the District through services opportunities, but also to the individual as a professional employee.

The District recognizes that often times there aren't enough work hours in the day for additional training and workload. This incentive should help each staff member see value in time spent in and out of work for professional growth.

The District Board and District Manager reserve the right to review this policy annually.

## **405 Corrective Action and Discipline**

**Policy Statement** – It is the policy of the WCSWCD 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 WCSWCD's on-going employee relations and daily operations. 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 of the counseling 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. The District will also review and abide by New York State Civil Service Guidelines and Wayne County Civil Service Rules and Regulations while administering disciplinary actions.

**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 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 406 of this Employee Guidebook).

**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, or any other person, whether on or off District premises.
- Possession of any weapon or dangerous instrument (including knives with over a three-inch blade-that is not used to work purposes, firearms, and explosives) on District 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, or any other person.
- Theft or unauthorized possession, use, or removal of District property or the property of another employee, 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, 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, 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.
- Willful work slowdown, 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.
- Personal activity during paid work time without the express permission of the supervisor.
- 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.

Seasonal & Temporary Employees will be subjective to the same disciplinary actions during the time frame for which they are employed. The District reserves the right to not rehire or provide a reference for employees that are disciplined.

#### **406 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 or Labor 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 Wayne County Civil Service Rules and Regulations 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 or labor 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.

**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;
- A 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 Wayne County Civil Service/Human Resources Department.

## **407 Code of Ethics**

**Policy Statement** – The Wayne 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 Wayne County Code of Ethics 3/2018, a copy of which will be furnished to all employees as an addendum to this book.

## **408 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 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, training documents and probationary reports.

**Location of Files** – All original personnel records for current employees will be maintained and controlled by the District Manager and maintained in accordance to NYS Records & Retention Management.

- 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 Secretary/Treasurer 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. This form is located in the Forms folder on the Shared Computer Drive or can be obtained from the District Secretary/Treasurer.

**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 own personnel file without the approval of the District’s Board of Directors.

## **409 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 work weeks 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.

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. This will be evaluated by the District Board of Directors on a case by case basis

**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 conducted by the employee’s supervisor and/or the District Manager on an informal basis. 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. Accumulated vacation benefits will be issues in a separate payroll check after the next proceeding Board Meeting and board review/approval is given. This may be discussed for direct deposit or hard copy paper check at the term of the exit interview.

## **410 Board of Directors**

**Powers and Duties of Directors** – The basic duties of a Director is to establish policy, programs, plans, and priorities and to oversee implementation of those services. The Board of Directors are designated based on New York State District Law, Section 52b and is updated annually by New York State. Each year the Board of Directors is required to hold a minimum of eight (8) meetings to conduct business for the District in accordance with the required Performance Measures of the NYS Soil and Water Conservation Committee as part of the NYS Department of Agriculture and Markets, Division of Land and Water Resources.

In order to be a Director in good standing, a Director must not miss more than two (2) consecutive meetings at the District without a valid excuse in writing in advance of the meeting. In the event of unfortunate circumstances, the Board of Directors will make a decision about the position.

The Board of Directors will work with the District Manager to manage an annual plan of operations and training plan for participation within the District.

### ***Director Compensation (Per Diem)***

Director’s compensation and mileage rates are set by the Board of Supervisors. This is done by resolution and should be kept as a permanent record. Per Diem may be reset annually. Mileage rates will be based on the IRS set Mileage reimbursement rates for the corresponding year. These rates do not have to be the same as the County. Rates must be requested by the District Board and approved by resolution of the County Board of Supervisors. This is done as part of the Board of Directors’ reappointment resolution each year with the County Board of Supervisors.

Compensation is paid on request by the Director on an annual basis and will be approved at the last business meeting of the year for a check to be sent to each eligible Director. Directors appointed from the County Legislature are not entitled to per diem while attending District affairs. However, they are entitled to compensation for registration fees, meals, lodging and mileage.

Only the non-legislative Directors get reimbursed per diem. They get reimbursed \$30.00 for every meeting they attend on our behalf, board meetings, bid openings, etc. Checks will be mailed within the week after the December Board Meeting for attendance purposes.

Legislative members are allowed to claim their participation with the County.

**To calculate Meeting Reimbursement**

The Conservation Secretary/Treasurer will keep attendance of the Board of Directors' activities throughout the year. At the December Board Meeting the Directors will review the attendance for accuracy.

- Add other meetings that are recorded they attended such as bid opening, board audits, etc.
- Multiply the number of meetings attended for each individual by \$30.00 = total for attendance.

A payroll check will be cut with appropriate deductions removed. Board members are also eligible for NYS Retirement contributions for services to the District.

Total meeting reimbursement is based on the number of meetings attended and will be reported on a W-2 form to each of these three board members annually.

**To calculate Mileage Reimbursement:**

Every Board Member is eligible for mileage for attending these meetings, unless the individual claims it for another purpose. This rate will be set from their home address or Legislative Office address to the District's Office. Special Meeting, (i.e. conference, trainings, etc.) will be calculated based on actual mileage to and from.

- Mileage reimbursement will be done at the IRS rate approved in January of the calendar year
- Multiply the number of meetings attended by the round trip miles then multiply this by the current mileage rate.

A separate check will be sent as an expense reimbursement for mileage.



## 500 OPERATIONAL POLICIES

---

### 501 *Departmental Hours*

**Normal Hours of Operation** – The normal hours of District public operations are 8:00 AM. To 4:00 PM and are established by the District Manager and the District Board. Each employee's work schedule will be established by the employee's supervisor and may differ from the normal hours of public operation depending upon the needs and requirements of the District and the duties of the position. Seasonal adjustments to the work schedule can be arranged and approved by the District Manager.

**Staffing Schedule** – District staff have three options for work schedules if they are in good standing, have completed the most current performance evaluation, and it is approved by the Board of Directors. These options are as follows:

**Standard work week** – A standard work week schedule is Monday through Friday, eight (8) hour days with a specific begin and end time as decided by the employee's supervisor for the types of work performed and time of year and agreed on by the District Manager.

**Flex schedule work week** – Is based on a bi-weekly schedule where the employee would work 8- (9-hour days) 1 – (8-hour day) and have 1 day off. The day off will be scheduled and can vary based on program needs to be decided on by the staff member, supervisor and the District Manager.

**Summer work week** - Is a schedule from May 1 Labor Day to Day to October 31 of 10-hour work days with one day off each week. The day off will be schedule and can vary based on the program needs to be decided on by the staff member, supervisor and the District Manager.

**Flex Start 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 occur during the time services are available to the public. The employee's use of "start-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 "start-flex-time" schedules.

Compensatory and Over Time must be preapproved by the employee's direct supervisor and/or District Manager. Other instances of time that happens to occur will be honored as straight time and must be offset within the same week to an even full time schedule. Compensatory and Over time are only available to employees full, part or seasonal that are working 40 hours as a regular set schedule.

**Compensatory Time** – In lieu of paid overtime, compensatory time may be awarded at time-and-a-half for all hours worked over forty (40) hours in a given workweek. Compensatory time does not apply to FLSA exempt class employees. Vacation leave credits and holidays shall be counted as time worked in the computation of compensatory time; whereas sick days shall not. Compensatory time shall be used before earned vacation leave time and must be used within the calendar year in which it is earned.

**Overtime** – The District Manager may allocate compensatory time off or paid overtime at one and one half times the employee’s normal wage for additional work exceeding their normal scheduled working hours by the Board of Directors. This is not to exceed the predetermined amount budgeted at the beginning of the year unless Board approved. Payment of the overtime wage will be made in the next paycheck as indicated on the form. All overtime requests are to be made by the staff prior to performing the work. This is optional and the employees may turn down requested over time.

Note: See Section 702 Wage & Salary for additional info. About compensation for time

**Teleworking Policy** – An employee may choose to work from home or another remote location to complete work if preapproved by their supervisor. This policy would allow an employee to prepare a plan of work for the day and execute that plan of work from a remote location and still earn their regular pay from the District. This is an opportunity only if the plan of work is submitted to the supervisor three (3) days in advance by email.

The plan of work must consist of the following components: Staff member’s name, location in which they plan to telework from, equipment needed, contact phone number, and summary of work/projects to be performed (broken down by time put into task).

Example: 3 hrs grant application A for Ag Program; 2 hrs for review of Water Quality Plan for Lake Ontario; Etc.

As of 2023, all District staff will have VPN remote access through their District issued laptop. This equipment is the responsibility to the staff member. If it leaves that District for any reason, it is the staff member’s responsibility to the care and its security. If at any point something is to happen to the equipment either in the office or remotely due to negligence of the staff member, the staff member will be responsible for the depreciated value of the equipment towards its replacement. These individual instances will be reviewed by the District Manager and Board of Directors on a case by case basis.

Teleworking is a privilege and can be rescinded by the Board, District Manager, or supervisor if the employee abuses it or is not in good standing with the District.

### **Staff Development**

The District provides a training plan for development of each Board & Staff Member of the District as part of the Performance Measures Requirement for State Aid Achievement but also to develop the staff members to best provide technical services for community residents, municipalities and partners of Wayne County.

As part of this staff development process these training plans will be reviewed each year as part of the Staff/Board Member’s duties and plan of work for the coming year as part of the Annual Plan of Work and Performance review process. Through this process, the individual will be authorized a time budget and a travel budget based on Continuing Education Credits (CECs) needed to maintain certifications held, or in progress toward a specific certification or technical training needed to perform natural resource protection. This will be reviewed with the Manager, Supervisor, Employee and Board.

Upon completion of training, a summary will be turned in for record of the activity. Time will be accounted for based on time in class + travel. If overnight accommodations are provided, then work day will begin at breakfast and end at the end of classes. This should be discussed and approved by your supervisors for consistency.

If in reviewing your training budget and available time for a training event that is an opportunity is not available, speak with the District Manager about updating the training budget. All trainings must be approved by your direct Supervisor and accounted for to the Board of Directors.

## **502 Meal 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 thirty (30) minutes. 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. This policy applies to all non- salaried employees.

**Breaks for Nursing Mothers to Express Breast Milk** – 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 provision 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. Breaks for nursing mothers are required in accordance with New York State Labor Law.

## 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. This policy will be effective for a specific timeframe and additional instructions will be given on a case-by-case basis. As of 2023, if the employee is able to resume work at another location due to the Teleworking policy (Policy 501), the District Manager may request this for the remainder of the work day. In this instance the commute time for Emergency Authorized Situations will be included in that period of time.

**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** – A full-time employee who is directed by the District Manager to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time employee who is directed to leave work due to an emergency closing will also be paid for the remainder of the employee's normal workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the District Manager will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. A part-time employee who is directed not to report to work will also be paid for the workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

**Government Shutdown or Shelter In Place Orders** – When the District is co-located with federal, state or other partners and a Government Shutdown or Shelter In Place order is initiated. Stay where you are until further instruction can be provided by the District Manager and/or the Chairman of the Board. A Public Employer Continuing Operation Plan of Action has been established in 2021 and is updated annually to give further instruction for situations such as these. This is Addendum 2 to this handbook.

At the time of the end of the federal government shutdown, each staff member will be notified by the District Manager and will be expected to return to work the following business day to resume regular operations.

**Inclement Weather** – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the District Manager. 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 the County Emergency Management Office, declares a State of Emergency due to weather, the office will be closed. In this instance, the District Manager will provide additional instructions will be provided and will be accounted for Administrative Leave on time records.

## **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 Employees** - Employees must record their work hours on their electronic time sheet account through Dovico. The time sheet should indicate the daily number of hours worked and all paid and unpaid absences. This should be completed on the last day of the month or if off on that date before leaving for the month. The District Manager will then review the time sheets electronically, print and ask the employee to verify and signed.

**Procedures for Paid Leave** - Employees must account for authorized paid leave taken by completing the appropriate time off form.

**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.

## 505 **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 in accordance with procurement and travel policies and operational budgets specific to each contract/project management. Specific, prior approval from the District Manager, and in the case of the District Manager from the District Board, will be required for significant or non-standard expenditures. The District Board 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 District-approved annual mileage rate as deemed by IRS for that calendar year. Any business-related tolls and parking fees are also reimbursable.

**Procedure** – An expense form with all required documentation and corresponding receipts must be submitted to the District Secretary/Treasurer at least one (1) week prior to the next scheduled Board meeting in order for the reimbursement to be processed. Mileage must be documented and submitted with attached Google Map Directions that indicates the date/activity or training/ and completed miles.

**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 Board, 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 or may submit the invoice to the District Secretary/Treasurer for payment once approved by the Board.

**Meal Reimbursement While Traveling** – On training, or traveling away from normal work areas as business, employees and board members may seek reimbursement of expenses for meals up to: \$10.00 for Breakfast; \$15.00 for Lunch and \$25.00 for Dinner. Any expenses above that price must be covered by the individual.

**Alcohol Policy** – During work events, the District will not approve or pay for expenses which include alcohol. If the District employee is operating a District vehicle, there is a zero-tolerance rule for driving a District owned vehicle within eight (8) hours of consuming one (1) alcoholic beverage. If it is found to have occurred, the District Manager will contact the District Board of Directors and appropriate disciplinary action will be taken.

If a District employee is participating in an overnight training event and is spending the night, the District does not prohibit the consumption of alcohol but expects that the employee will conduct themselves in a manner that represents the District well. Failure to meet these expectations could result in appropriate disciplinary action.

## 506 *Vehicle Usage*

**Policy Statement** – All vehicles and related equipment of the WCSWCD are owned and maintained for the purpose of conducting official business of the District. 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:

- Fleet vehicle management will be reviewed and conducted by the Field Program Manager of the Agricultural Program.
- District vehicles are assigned to District employees for specific purposes and tasks. Vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-District related business.
- As a general rule, District vehicles may not be taken home unless preapproved by the District Manager. Positions that may be designated by the District Board as “on call” positions for a specified period of time are permitted to take vehicles home in order to expedite response time. In accordance with IRS regulations, “commuter value” will be added as earned income to the individual’s W-2 at the end of the year unless the vehicle has been designated by the District Board as a “qualified exempt vehicle” in accordance with IRS regulations. A report summarizing commuter usage shall be submitted to the District Manager on a monthly basis. The District employee may seek approval from the District Manager, or the District Manager may seek approval from the Board Chairman in the event an instance occurs where taking a vehicle home for travel for training or a meeting for official business. This approval must be done in advance.
- 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 form located in each vehicle for each usage. The form will address items such operator name, date, destination and miles driven, and funding stream associated with the trip.
- Any accident involving a District vehicle, regardless of severity, must be reported immediately to the District Manager.
- The use of a cell phone when driving on District business must be compliant with all applicable NYS 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 appropriate supervisor.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on District vehicles at any time, except those of a limited community service nature which have been authorized by the District Manager.

- District vehicles are expected to be clean, cared for and maintained after each use. These vehicles are used by multiple individuals. Conservation Field Program Manager will inspect the vehicles at random and last person to drive the vehicle, if left in poor condition will be held responsible.
- Quarterly, each vehicle dashboard should be wiped down and the floor should be vacuumed out. Wayne County Central Garage has a heated wash bay for all vehicle washing and should be done accordingly if the vehicle gets stuck at a job site, is off road in farm field or just needs to be washed in order to maintain a professional appearance.
- District vehicles may not be used to transport persons who are not officials, representatives or employees of the WCSWCD, NYS SWCC, USDA NRCS or FSA Employees or direct affiliate partners. Material not related to the conduct of official District business, without direct authorization by the appropriate supervisor or the District Board may not be transported. If an employee is completing official business for the District and is provided permission from the appropriate supervisor, a landowner for a specific project may have permission to ride along with the District employee during a site inspection.
- District employees and members of the Board of Directors are the only people authorized to operate District-owned vehicles.

## **507 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.

**Commercial Drivers** – An employee who operates a vehicle which requires a Commercial Driver's License (CDL) must maintain such license throughout employment. Proof of such license must be on file with the District. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the District within 30 days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

**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. The District will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

**Insurability Standards** – It shall be solely the responsibility of a District employee to meet or exceed all insurability standards, as established from time to time by the District Board or the District's insurance carrier, which are required for the use or operation of a District vehicle. Any District employee who has any of the following during the most recent three-



year period will be deemed to have violated the insurability standard and will not be allowed to operate any District-owned vehicles:

- Conviction of DWI / DWAI
- Conviction of Reckless Driving
- Suspended or Revoked Driver's License
- Conviction of Speeding 25 MPH or more above the speed limit
- Conviction of a Drug or Alcohol offense which would materially affect one's ability to operate a vehicle
- Conviction of Hit and Run/Leaving the scene of an accident
- Conviction of Two or more at-fault accidents
- Conviction of Three or more moving violations in the past three years
- Conviction of failure to stop for stopped school bus
- Less than three years driving experience

Failure to maintain acceptable insurability standards may affect the employee's employment status with the District.

## **508 District Assets, Supplies, Tools and Equipment, and Fuel Usage**

**Assets** – All District-owned assets must be used for conservation field work or other affiliated tasks within Wayne County. District staff may request in writing by use of the LAP Form for permission to utilize a District asset and have approval in advance for use if the equipment is an asset that would be used for Landowner Assistance Program (LAP) and could be requested by any other community member. All assets are cataloged and recorded for maintenance annually by the staff member responsible for their care. Anytime repair or maintenance is completed on a District asset, this information should be reported to the District Secretary/Treasurer and filed within the Asset file. Assets will be managed by District employees and will only be expended once the District Board authorizes the asset as a surplus or if the program has been discontinued or the asset has been replaced with a current model/version.

**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. The exception would be printing materials. This can be paid for to the District's Secretary/Treasurer for the set rate of copies established by the Board of Directors' each year.

**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.

## 509 Telephone / Cell Phone Usage

**Cell Phone Stipend** – The District does not provide cell phones to staff members to utilize for business purposes. In lieu of issuing District purchased cell phones, the District will provide each eligible staff member with a semi-annual stipend towards the use of their personal phone. This stipend will be in the amount of \$180.00 per year (\$15.00/mo.) for work related calls and emergency contact. This stipend will be paid based on the employee's number of months of service in the calendar year. The stipend will be paid out in two installments, in January to June; payable in July and July to December; payable in January for employees that are employed full time with the District.

Part Time and Seasonal employees will receive a similar benefit based on the number of months in the calendar year that they provide service to the District. The District will also provide the list of codes to restrict their personal phone number from showing up on a caller id when making work related calls. An employee's personal cell phone number will never be given out to anyone besides the staff and District Board of Directors.

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

- An employee may make or receive brief personal cell phone calls or text messages during work hours for emergency or to check briefly on family matters.
- An employee must answer the phone 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.
- 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. All other uses or functions (i.e. texting, music, etc.) on a limited basis as long as not abused and work productivity remains adequate.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the District.

## 510 ***Use of Communication Systems and Equipment***

**Policy Statement** – The purpose of this policy is to provide the following requirements for the use of District-owned communication systems and equipment. Communication systems and equipment include but are not limited to computer systems, internet services, hardware, software, laptops, smart phones, cell phones, land-line phones, printers, facsimile machines, copiers, and scanning devices.

**Property** – All communication systems, equipment and files are the property of the District. This includes the messages created, transmitted, and stored on such systems and equipment.

**Usage** – All communication systems and equipment are provided to an employee 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 District. 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 District Manager.

**District's Right to Monitor Communication Systems and Equipment (Addendum 2)**– There is no guarantee of privacy when using District-owned communication systems and equipment. The District reserves the right to enter, search, and monitor employee communication systems, equipment, and files, with or without advance notice, at any time in the normal course of business. The District Manager has the authority to inspect the contents of any District communication systems, equipment, data/files, or electronic messages of their subordinates in the normal course of their supervisory responsibilities. 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 electronic message and file transfer into and out of the District's network or communication service. 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. Usernames and passwords are the property of the WCSWCD. An employee may be required to disclose their username and password to the District Manager at any time.

**Personal Use** – Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Any non-business use should be incidental and occasional and must conform to all standards set forth in this policy. Any personal use that interferes with the performance of an employee's work or burdens or compromises the effectiveness of the District's network and equipment is strictly prohibited.

**Prohibited Uses** – In addition to the requirements set forth above, the following uses of District-owned communication systems 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, displaying, storing, distributing, editing, archiving, or recording of any discriminatory message, image, or material, or any obscene, graphic, or suggestive message, image, or material;

- Activity that is in violation of any provisions set forth elsewhere in this Employee Handbook;
- 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; and
- Installation of any software containing viruses.

### **Internet / Electronic Messaging Requirements**

**Eligibility** – Internet / electronic messaging service may be provided to employees who can demonstrate a work-related reason to have access. Electronic messages (e-messages) include but are not limited to e-mails, text messages, blogs, instant messages and postings to social networking or other sites. Approval must be given by the District Manager or 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-messaging service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the District. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- E-messaging must be used in a professional manner;
- Messages must not be threatening, insulting, obscene, abusive, or derogatory;
- Messages must not include content that constitutes workplace harassment including sexual harassment;
- E-messaging may not be used to transmit chain letters;
- Employees are responsible for saving any e-messages that they want to keep permanently;
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- E-messages must not involve personal not-for-profit solicitations;
- E-messages must not potentially embarrass the District;
- Passwords should not be given to anyone other than the District Manager;
- 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, blogging 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 usage and e-messaging 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;
- Employees should ensure that no personal correspondence appears to be an official communication of the District; and
- Employees may not use the District's address for transmitting or receiving personal mail or use the District's e-mail address for transmitting or receiving personal e-messages.

**Disclosure of Information** – Employees must bear in mind that e-messages are not private and its source is clearly identifiable. E-messages may remain part of the District's business records long after they are deleted. Electronic records, including e-messages, are public records subject to state Freedom of Information Law and will be disclosed upon request unless an exemption to disclose is found to apply. In general, e-messages are subject to discovery in civil lawsuits.

**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 District Manager. Once the District is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

**Disciplinary Action** – Any employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

## **511 Social Media**

**Policy Statement** – The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, Tumblr, LinkedIn, Instagram, Pinterest, Flickr, Snapchat, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser.

**Usage During Working Hours** – Unless the use of Social Media is pertinent to District business or authorized by the District Manager, employees are prohibited from using Social Media during working hours. This applies regardless of whether or not such usage occurs on District-owned computers or communication equipment or a device personally owned by the employee.

**Usage During Meal and Rest Breaks** – Employees are responsible for exercising good judgment when using District-owned computers or communication equipment to access Social Media sites while on a meal and rest break. The District's right to monitor

communication systems and equipment also applies to the use of Social Media if employees are using District computers or communications systems.

**Posting Content on Social Media (regardless of point of access)** – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not District owned, as well as those that are District property.

This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the District that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the District, or its employees, services, or Board members.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the District, or while wearing District uniforms – the only exception to this rule is when it is directly pertinent to District business and such posting, uploading, or sharing of images is authorized in advance by the appropriate District Manager.
- Representing that an opinion or statement is the policy or view of the District, or of any individual acting in their capacity as a District employee or official, or otherwise on behalf of the District, when that is not the case.
- Posting anything in the name of the District or in a manner that could reasonably be attributed to the District without prior written authorization from the District Manager.
- Using the name of the District or a District e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with District policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not District-owned.

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law, including but not limited to NLRA Section 7 protected communications on non-work time. District employees have the right to engage in or refrain from such activities as they choose.

**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.

**Disciplinary Action** – An employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

## **511 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.

The District may from time to time provide uniform items such as shirts, jackets, rain gear, to employees.

## **512 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. An employee may with permission support children or school fundraising events during break times.

## **513 Disclosure of Information**

**Policy Statement** – The 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 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.

**Freedom of Information Law** – The District complies with the Freedom of Information Law (FOIL) in conjunction with the rules of Wayne County. The public may request information that is not subject to confidentiality by filing a FOIL Request form through Wayne County, Records Assessment Officer, at the Wayne County Board of Supervisors. This form can be found on the Wayne County Website, Online Resources. A determination will be made and notice will be given to the requestor.

## **514 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.

In the event of an unexpected situation, the District Manager may give permission for visitation for childcare for a short period of time and on a limited basis.

## **515 Procurement & Financial Investments**

**Policy Statement** – The District has established an official procurement policy in accordance with NYS procurement guidelines from the New York State Office of State Comptrollers 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 Manager and/or with approval from the District Board as part of the annual operational budget; in adherence to the procedures set forth in the procurement policy. For further details on New York State Procurement details: <http://www.ogs.ny.gov/Bu/PC/Docs/Guidelines.pdf>.

For simple program purchases that affect continued operations, employees may make purchases up to \$99.00 and then notify the District Manager and provide the proper documentation to the District Secretary/Treasurer.

For purchases over \$100.00, a procurement evaluation form must be filled out, listing three quotes for the asset or operational supplies to be purchased. The backup information for each of the items must be attached to the procurement evaluation form and submitted to the District Manager for approval. Once approval has been made, the District



Manager will ask the District Secretary/Treasurer to set up the appropriate purchase order and begin the purchasing process.

For purchases over \$1000.00, the procurement evaluation process must be completed and the District Board of Directors must make a decision about the purchase at the next scheduled Board Meeting. The proposed procurement materials must be submitted to the District Manager a minimum of seven (7) business days before the scheduled Board Meeting.

### **District Staff Credit Cards for Program Use:**

**Policy Statement** – The District has two credit card accounts for purchases related to District business. Each technician has one card for their use with a \$500.00 credit limit. The District Manager has one card for their use with a \$5,000.00 credit limit. These credit cards will be used to make simple purchases related to program materials and District business as approved as part of the operational budget by the Board of Directors. Both credit card bills will be paid in full each month to avoid interest fees. The technical staffs' cards will be kept in the District safe during the winter months until needed for use for the field season and can be requested from the District Secretary/Treasurer. At any time the District Secretary/Treasurer or District Manager may ask technical staff to return these cards. The District Manager will use their credit card to make purchases for program development, materials or training/travel that has been pre-authorized by the District Board and approved during billing statements as part of the approved Operational Budget.

Note: If in the event, a purchase is made with a District Credit Card by accident. The Staff Member must notify their supervisor immediately. Document what was purchased and provide this documentation to the District Secretary/Treasurers. The District Secretary/Treasurer will then issue an invoice to the Staff Member for the exact amount. The Staff Member must reimburse the District by Cash or Check. This is to avoid transaction fees.

### **Operational Finance Management:**

**Credit Card Purchases & Fees for District Programs** – These will be documented as part of the transaction that has occurred during accounting and is variable based on the program. This means for management purposes, sometimes the taxes and fees are built into the price (i.e. Tree, & Fish Sale and Conservation Items) and then backed out, and sometimes taxes are applied to services, (i.e. hydroseeding for non-exempt).

Credit Card Refund policy is applicable when it is at the request of the consumer. If the District makes an error or has to issue a refund due to inability to fill the order, the District will cover fees.

### **CREDIT CARD REFUND POLICY**

The purpose of this policy is to inform consumers of the terms and conditions surrounding the refund of a purchase of goods and/or services from the Wayne County Soil and Water Conservation District (WCSWCD) and to provide internal guidelines to District employees in the acceptance and refund procedures of purchases made by customers.

#### TERMS & CONDITIONS:

- (a) Any request for refund on the purchase of goods and/or services from the Wayne County Soil & Water Conservation District is subject to approval at the discretion of the District Manager and must be submitted to the District within 14 days from the date of purchase\*.
- (b) All refunds on items and/or services purchased using a credit or debit card are subject to a 15% administrative fee which will be deducted from the total refund amount\*.
- (c) A Refund Request form must be completed by the District employee and submitted to the District Manager for approval prior to issuing a refund.
- (d) Refunds will be given in the form of a check, made payable to the purchaser, regardless of original method of payment used.

\*Excludes refunds given as a result of District error or product defect.

#### **Cash Management:**

**Policy Statement** – The District accepts currency or check payments for services during several conservation programs throughout the year. At the transaction time, a receipt of the transaction must be created in triplicate utilizing the annual cash receipts book. The white copy will go to the customer, the yellow copy will go with the payment to the Secretary/Treasurer or safe and the pink copy will remain in the book.

During events where payment transactions will be reoccurring frequently, each day one person will be designated in trust of the cash box and will be required to write the receipts and account for funding.

#### **Petty Cash:**

**Policy Statement** – The District maintains \$100.00 of petty cash for simple purchases related to contract work. These funds should be used to purchase items that are needed immediate and our under \$99.00 and can be purchased directly from a current vendor in the District system. When asking for petty cash from the Secretary/Treasurer, the staff member will be asked to fill out a slip with the request of funding taken and will initial the amount. The amount will also be initialed by the Secretary/Treasurer or District Manager. Upon return of any remaining funding, provide change and a receipt of the purchase and initial again. This fund will be reviewed monthly.

#### **Internal Controls for Finance:**

**Policy Statement** – The District maintains Standard Operations Procedures (SOPs) for finance procedures for all matters related to the finances of the District. These SOPs are kept on the shared drive of the servers in the HR folder. These SOPs are the standard procedures of checks and balances between the District Secretary/Treasurer and the District Manager. Because of the limited resources of staff performing these tasks, the District Manager, Field Program Manager, District Secretary/Treasurer and the Board Treasurer all review and sign documents as needed. A minimum of two people are required for review of financial performances while moving and issuing funds, reconciliations and financial audits. These step by step SOPs guide the process and are reviewed and updated annually as part of the District's standard auditing practices.

#### **Financial Investment:**

**Policy Statement** – The District maintains financial records in conjunction with a system of checks and balances – as instructed by an independent CPA and approved by the Board

of Directors. An annual internal audit is completed by the Board of Directors and is documented by the Internal Auditing forms. This information is stored with the District Manager and a copy is kept in the Board of Director's minutes.

For every grant that issues a percentage of the contract in advance, a new savings account is opened, and interest is documented through reconciliations monthly. All other cyclical funds are deposited into the District's checking account. There are NYS approved accounts for capital reinvestment for District operations which allows the District to budget funds towards replacement, reinvestment/maintenance and/or new purchase of equipment, supplies, rent, operational gaps, and special projects which improve the collective efforts of conservation. Each of these accounts has a specific function and can be allocated from with approval from the Board of Directors. See below each account and the purposed for it.

- Payroll Trust Account – This fund is established for the purpose of managing payroll funds and abides by NYS guidelines of employee funds.
- Equipment Savings – This fund is used to replace conservation equipment, assist with program development equipment needs and to aid in long term planning for conservation programming. Equipment purchases from this account range from office computers to conservation tillage drills. At the end of each calendar year, a balance sheet is completed for each conservation equipment program and remaining income not used for maintenance or supply replenishment will be deposited to aid in long term program health.
- Maintenance Savings – This fund is used to aid in maintenance of agricultural drainage projects or past conservation projects that require maintenance.
- General Savings – This fund is used to allocate funds for rent, utilities, Medical Insurance Savings (HSA Accounts), Staff Compensatory Benefit payments and for salary short falls. Funds are allocated to this account at the end of contract to plan ahead for upcoming personnel expenditures.
- Special Project Savings – This fund is used to cover funding for payments to partners on grant projects. While working with the farming and rural communities, businesses do not have the ability to wait for payment once project completion has come. This account can advance the funds while the reimbursement comes from the contractor. If there is a payment made from this account, special coding is given to the payment as to track to make sure it is reimbursed at the appropriate time.
- Vehicle Savings – This fund is used for capital reinvestment of the District Fleet. If a District vehicle is sold all funds will be deposited in this savings account to help fund the replacement vehicle. District vehicles are to be sold in the third year of ownership or before they hit 25,000 miles, whichever comes first.
- Harvesting Savings – This fund is used strictly for the Aquatic Vegetative Control Program. All funds that are allocated to this fund may only be used for program reinvestment. The funds that are deposited in this account are directly affiliated with the Wayne County Harvesting Contract. Wayne County Public Works Committee reserves the right to approve all purchases from this account, prior to use through explanation by resolution.

- Retirement Savings – This fund is used specifically to save funding monthly throughout the year from December to November to pay District responsibilities to Retirement. This fund is setup by the Board to establish a reserve fund for the purpose of financing retirement contributions. Annual contribution estimate will determine the amount set aside each month.
- Employment Compensatory Reserve Savings – This fund is established for the purposed of saving for times in which an employee separates from employment and is eligible for remaining vacation leave payment based on regular hourly rate. This fund also will assist the District with Non-vesting accumulated sick leave. GASB believes non-vesting, accumulated sick leave is not a true liability because it is contingent upon a future event (sickness) that's beyond control of both the employer and employee. Therefore, a fund was established to aid the District in times of when a staff member takes sick leave for an extended period and has to hire an employee for the work to continue. This is also applicable for payment of leave for maternity/paternity. A fund balance of \$24,000.00 is established by the Board of Directors and will be replenished over the course of 6 months, post draw down.

## **516 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;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the supervisor.

**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;

- Ensure the proper disposal of all trash and waste.

## **517 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.

## **518 District Property**

**Capital Improvement For District Assets Policy** – The District reserves the right to create a specific capital improvement plan for programs that require large amounts of funds for replacement of equipment, storage or long term planning. These plans will be documented specifically with the Board of Directors and then a capital reinvestment fund will be established along with stipulations for use as part of the annual operational budget. This will be reviewed by the Board of Directors Annually.

**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
- Books or other reference materials, including this Employee Guidebook

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

## **519 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.

## **520 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 District Manager.

## 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 thirty (30) 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 Annual and Personal Leave sections of this Guidebook for further details.

**Unscheduled Absences** – An employee who is unable to report to work must personally contact the employee's supervisor at least thirty (30) minutes before the employee's scheduled starting time or as soon as availability of phone service. 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 Wayne 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 thirty calendar days in a calendar year for annual training or special periods of training. Such military leave beyond the 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.

**Leave For Military Spouses (New York State Law)** – In accordance with NYS Labor Law §202-i, the District will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This does not preclude the employee's option to use available paid leave upon approval of the District Manager.



## **604 Leave for Cancer Screening**

**Policy Statement** – The District complies with New York State Civil Service Law §159-b which entitles all District employees to paid leave to undertake screening for cancer. 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 cancer. 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 District Manager to take leave for this purpose. The request for leave should be submitted to the District Manager in writing a minimum of two days in advance. The District Manager 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 District Manager 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 and/or Bone Marrow Donations**

**Policy Statement** –The District complies with New York State Labor Law §§202-a and 202-j which entitle District employees who work an average of twenty hours or more per week to time off from work to donate blood and/or to undergo a medical procedure to donate bone marrow. 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 these purposes.

**Blood Donation Allowance** – An employee may take unpaid leave 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. The District may require the employee to provide proof of blood donation.

**Bone Marrow Donation Allowance** – An employee may take unpaid leave in order to donate bone marrow as well as to recover from the procedure and for resulting medical care. The employee's physician will determine the amount of leave required by the employee. However, the leave may not exceed 24 work hours unless additional leave is

agreed to by the District. There is no limitation on how frequently an employee may take such leave. The District may require the employee to provide proof of bone marrow donation.

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

**606 Time Off To Vote**

**Policy Statement** – 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. Arrangements can be made to allow as much working time off as will enable voting during the workday, without loss of pay.

**Procedures** – An employee is required provide notification as to the need for working time off to vote and must request this time off from the District Manager 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. This time off shall be allowed either at the beginning or end of the employee’s work schedule, as determined by the District Manager.

**607 Bereavement Leave**

**Eligibility** - In the event of a death of a full-time or part-time employee’s family member, the employee may take a paid leave of absence from the employee’s regularly scheduled work. Bereavement leave days must be taken consecutively and will normally correspond with the funeral service. Such leave will not be subtracted from any of the employee’s leave credits. Funeral/Bereavement Leave for seasonal or part-time employees is up to the discretion of the District Manager and may not exceed three (3) days.

**Leave Period** – Bereavement leave will be granted as shown in the table below:

<b>Deceased Family Member:</b>	<b># Days of Leave Granted:</b>
Spouse	3
Child / Step-child	3
Parent / Step-Parent	3
Sibling	3
Grandchild	3
Mother/Father-in-law	3
Grandparent	3
Non-parental in-laws	3
Member of immediate household	3
Aunt/Uncle	1
Niece/Nephew	1

**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.

**Funeral Falls on Holiday** – In the event the funeral falls on a holiday, the following day can be taken as a bereavement day, providing that the next day is a regularly scheduled workday.

## **608 Volunteer Firefighters / Emergency Responders**

**Policy** – In the event an employee is called upon to perform volunteer duties as a firefighter or emergency responder on a day the employee is scheduled to work, the employee will receive paid leave to perform such duties if so authorized. The paid leave is limited to the extent of the employee’s regular work schedule. Such leave will not be subtracted from any of the employee’s leave credits. Time spent by the employee performing such duties, including driving to and from the scene, will not be included as time worked for purposes of computing overtime. The employee is required to return to the worksite upon completion of the emergency call, unless such call ends after the end of the employee’s scheduled work shift.

**Documentation Requirements** – The employee must account for all time spent responding to emergency calls on the employee’s time sheet, including the time the employee left and returned to the worksite. The employee may be required to submit verification of the employee’s attendance at such call.

**Responding to Calls During Paid Leave** – If the employee is on a paid leave from the District (i.e. vacation, holiday, sick, personal, etc.) and the employee responds to a call, the employee will not receive additional compensation from the District and the employee’s appropriate leave time will still be charged.

## **609 Medical and/or Family Leave of Absence Policy**

**Policy Statement** – It is the policy of the WCSWCD to grant a full-time employee a maximum of twelve workweeks (defined by the employee’s normal workweek) of unpaid leave in any twelve-month period for certain family and medical reasons. The twelve-month period is calculated as the twelve month period measured forward from the date of the employee’s first leave usage.

**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 *Wayne County Civil Service Rules and Regulations*. If and when any employee meets the eligibility requirements under the *Family and Medical Leave Act*, the provisions of that Act will then take precedence over this policy.

**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 includes 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 Family and Medical Leave. Employee should consult with the District Manager 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 WCSWCD 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** – means husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a State that recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.
  - \* **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child 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 to the District Manager at least thirty calendar days prior to the commencement date of the unpaid leave. This notice may be written or verbal, however, additional medical certification may be required for final approval of the absence as qualifying under this policy. 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, notification must be provided as soon as possible and practical.

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

**Medical Certification** – The employee may be required to 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, no later than 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 WCSWCD 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 leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the WCSWCD.

**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 *Wayne County Civil Service Rules and Regulations*.

- **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 maximum twelve week period of leave under this policy has been exhausted, the employee may continue coverage with responsibility for payment of the full premium amount under COBRA provisions (see Section 812.) 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 work-site; 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 *Wayne County Civil Service Rules and Regulations*.
  
- **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 District Manager at least five business days prior to the date the employee is able to return. The District Manager shall in turn notify the District Board.

- **Extension of Unpaid Leave of Absence** – An employee who wants an extension of the leave previously requested must notify the District Manager 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.

**Statement of Compliance** – The WCSWCD complies with the provisions of the Family and Medical Leave Act (FMLA). **The WCSWCD does not regularly employ fifty or more employees. Under that circumstance, District employees are not eligible for leave under the FMLA.** If at some point the WCSWCD should employ fifty or more employees, eligible employees will be afforded leave in compliance with FMLA.

## **610 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 in the case of the District Manager the 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 twelve (12) 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. It is the intent of the District Board to provide salaries and benefits to employees comparable to those provided to Wayne County employees and like positions of similar responsibilities within the regional industry of conservation. The salary of each employee shall be determined by the District Board based upon the responsibilities of the employee’s position.

**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. An employee should be evaluated in accordance with Section 404 of this Guidebook, on overall job performance, in technical proficiency, as well as other areas such as motivation, attendance, initiative, judgment, and job attitude.

**Incremental Increases** – A full time employee shall receive an incremental increase annually upon completion of each of their first six years of employment with the District. Upon the employee’s first anniversary date of employment the employee’s base salary shall increase by one thousand (\$1,000.00) and the increment shall be prorated based upon the remaining calendar year and shall be spread evenly among the remaining payroll periods. For the following five calendar years, the employee’s base salary shall increase by one thousand dollars (\$1,000.00) on January 1<sup>st</sup> thereby providing a new base salary each new year and the increment shall be spread evenly among the calendar year pay periods.

This benefit does not affect part time or seasonal employees employed by the WCSWCD. The District Board has the right to deny this increase if it is deemed that the full-time employee’s performance does not warrant such an increase.

**Longevity Recognition** – After an employee has completed 10, 15, 20, 25 and 30 years of full time, continuous service, the employee may receive a longevity benefit equal to 5 percent of their current rate of pay, The payment is at the discretion of the District Board, provided the employee has not received an unsatisfactory performance evaluation. Once approved, the increase will be awarded to the employee in accordance with the current salary schedule. This longevity payment will be made to the employee in the payroll period nearest to the employee’s anniversary date. This policy will be funded from the general fund savings as part of the Staff Compensatory Benefits funds.

### 702 *Compensatory Time*

**Authorization** – A supervisor may require an employee to work additional hours beyond the employee’s normal workday and workweek. An employee shall receive prior approval from the District Manager 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 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 receive “compensatory time” for all authorized time worked over forty hours in a given workweek.

**Credit for Paid Leave** – Personal leave, vacation leave, and holidays will be included as time worked for the purpose of computing “compensatory time.” Sick leave, bereavement leave, jury duty leaves, and all military leave will not be included as time worked for the purpose of computing “compensatory time.”

**Compensatory Time** – With pre-authorization from the supervisor, a non-exempt employee will 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 forty (40) hours in compensatory time credits. In the event an employee accrues more than forty (40) hours of compensatory time credits, the employee must either use the excess compensatory leave credits within the pay-period in which it is earned or forfeit the credits. An employee must use all compensatory leave credits within the calendar year in which they are earned or forfeit those credits.

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

**Over Time** – As of April 18, 2012, the District Manager may allocate compensatory time off or pay at 1 and ½ times the employee’s normal wage for additional hours exceeding their normal scheduled working hours by the Board of Directors. This is not to exceed the predetermined amount budgeted at the beginning of the year unless through Board approval. Payment of the overtime wage will be made in the next paycheck. All overtime requests are to be made by the staff prior to performing the work. This is optional and the employees may turn down requested over time.

### **703 Call-In Pay**

**Compensation** – In the event an FLSA non-exempt employee is called in to work outside of the employee’s regular work schedule, the employee shall be credited for pay purposes with the greater of either four (4) hours’ time or the time actually worked.

### **704 Pay Period and Pay Distribution**

**Payroll Period** – Normally, full time & part time employees are paid on a semi-monthly basis. A full-time employee’s paycheck amount will be based on their annual salary divided by twenty-four (24) annual pay periods. An employee’s pay will be based on the amount earned during the preceding pay period. Seasonal Employees are paid on a bi weekly basis. These hours are based on the number of hours worked in the pay period of two weeks and will be issued payment on the following Tuesday. Certain employees may be paid on a different schedule as established by the District Board.

**Payday** – Under normal circumstances, direct deposit will occur for full/part time employees on the 15<sup>th</sup> and last business day of the month. This may change if the 15<sup>th</sup> or

the last day of the month falls on a weekend; if so, pay will be deposited on the last business day closest to those days.

Seasonal employees will be paid on the Tuesday following the two-week pay period. In the event the payday is a designated holiday, pay will be distributed on the previous workday or the date following the holiday.

**Distribution** – The District Secretary/Treasurer is responsible for distribution of pay to employees and will be reviewed and executed by the District Manager.

**Direct Deposit** – The District provides a direct deposit option for employees. If elected, the pay 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 Secretary/Treasurer.

## **705 Payroll Deductions**

**Statutory Deductions** – The required portion of an employee's pay for federal and state 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.

## **706 Deferred Compensation Plan**

**Summary** – The Wayne County Soil & Water Conservation District has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the District Secretary/Treasurer.

## 800 EMPLOYEE BENEFITS

---

### 801 *Holidays*

**Designated Holidays** – The Wayne County Soil & Water Conservation District currently observes the following holidays:

1. New Year's Day	7. Columbus Day
2. Martin Luther King Day	8. Veterans' Day
3. Presidents' Day	9. Thanksgiving Day
4. Memorial Day	10. Day after Thanksgiving
5. Independence Day	11. Christmas Day
6. Labor Day	12. Floating Holiday

**Eligibility** – All employees are eligible for holiday pay at the employee's regular rate of pay, provided that the holiday falls on their regularly scheduled workday. All Holidays will be based on 8 hour days. If a staff member chooses to work a Flex or 4-10 schedule, they may use annual leave or compensatory time to make up the difference. This maintains a budgeted schedule for all staff to accrual the same benefit of Holidays.

**Floating Holiday** – A floating holiday may be used on another holiday throughout the year (i.e. Good Friday, Election Day, etc.). This will be at the approval of the District Manager and will be agreed upon by the staff at the first staff meeting of the year to be presented for approval by the Board during their organizational meeting held in January. If an employee has another holiday on which they wish to use this floating holiday because of their belief or religious affiliation, they may use their floating holiday for the observance, but must give their supervisor advance notification of one week. If they individual employee chooses to take a different holiday, they will either work the day previously determined or use vacation leave.

**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.

**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 may be eligible for vacation leave as deemed appropriate by the District Board.

**Allowance** – A full-time employee will be credited with paid vacation leave in accordance with the schedule below. Vacation leave is based on a full time schedule. An employee may take vacation leave only after it has been credited. The employee will be credit the month’s earned vacation leave on the last date of the month and will be available for use the next month.

New Staff use of paid vacation leave is not available until after achieving 90 days of full-time work in good standing. Vacation leave will be accruing but not yet active until after this period. At the time of hire, a new staff member may request time off unpaid for previously scheduled items. This must be made notice to the District Board and Manager at the time of hire.

<b>After Completion Of:</b>	<b>Vacation Leave</b>
First day to completion of three years	Nine (9) hours every month
First day of fourth year to last day of fourteenth year	Thirteen (13) hours every month
First day of fifteenth year to retirement	Eighteen (18) hours every month

**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 an hour (1) hour under approved by the supervisor with written approval. The supervisor will have total discretion in the approval of vacation leave but will not frivolously or unreasonably deny requests.

**Carry-Over** – An employee may carry-over a maximum of 240 hours of unused vacation leave into a subsequent calendar year. Leave in excess of the above shall be forfeited; unless authorized for a specific purpose by the Board. (i.e. employee has a vacation planned in January and wishes to use that leave or parental leave in the first quarter of the next year).

**Vacation Leave Buy Back Incentive** – On of November 1, of the concurrent year, a full-time employee may request to sell back vacation leave time, up to 80 hours in increments of 10 hours, if they have 240 hours of leave accrued and are a staff member in good standing. The information form needs to be filled out and submitted prior to the

November District Board meeting to be eligible for review. The form can be obtained from the District Manager. Payments will be made at the discretion of the Wayne County SWCD's Board of Directors. Payment of hours will be based on each individual's hourly rate. Payment will be made separate from payroll and following the November District Board meeting.

**Holiday During Scheduled Vacation** – In the event a designated holiday occurs on an employee's normal workday and the employee is on paid leave, 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 cases of death of an employee, the District will pay an employee's designated beneficiary for any unused vacation leave.

### **803 Sick Leave**

**Allowance** - A full-time employee will be credited with nine (9) hours of paid sick leave each month. The employee will be credited on the first day of the next month after the sick leave has been earned. Sick leave is based on a full time schedule. A part-time, temporary or seasonal employee may be eligible for sick leave in paid status as deemed by the District Board. There shall be no limit to accumulated sick time.

**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 as soon as possible; if the leave is for a wellness appointment, the employee must give at least five (5) days before the employee's scheduled reporting time. The notification must be made personally to the supervisor by email, unless the supervisor authorizes the use of an answering device for this purpose (i.e. voice mail or text messaging). 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 be used for wellness visits for medical and dental health but must provide a physician's note post visit to the direct supervisor. Sick leave credits may not be used in increments of less than one (1) hour, unless otherwise approved by the supervisor. An employee may take sick leave only after it has been credited.

**Family Sick Leave** – An employee may use up to five (5) 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.

**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 three (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 Guidebook shall apply.

**Abuse of Sick Leave** – An employee who, after investigation, is found to have abused the use of sick leave or falsifies 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.

## **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 sixteen (16) hours 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 a prorated amount of personal leave upon hire, based upon the amount of time remaining in the calendar year. This amount will be authorized in their offer letter.

**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 (1) hour.

**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 **Catastrophic Leave Donation**

**Purpose** – The Catastrophic Leave Donation program allows eligible staff who have completed one year of service to voluntarily donate accrued leave to another regular staff member of the District.

**Intent** – It is expected that staff members will exhibit good stewardship over their sick and vacation leave accruals by maintaining adequate balances if extended time away from work ever becomes necessary. However, the District realizes that a situation may arise in which an employee may experience a catastrophic event and has exhausted his or her paid leave benefits. The District wishes to allow eligible employees to assist colleagues in these situations.

\*Note – This program is not an additional leave entitlement or benefit, but rather a means of allowing the District staff to assist colleagues in need.

**Caution** – Confidentiality is an important aspect of the catastrophic leave donation program and it is expected that all staff members (e.g. donors, recipients, administrators and supervisors), regardless of their decisions to participate in a catastrophic leave donation, and will do their parts to maintain such confidentiality.

**Definition** – A catastrophic event is an extremely severe health related situation necessitating the staff member's absence from work for an extended period of time. These events are one's own terminal, life-threatening, or other grave illness/injury, or a family member's terminal, life-threatening or other grave illness/injury. A family member is defined as a spouse, life partner, parent/legal guardian, parent-in-law, sibling, or child (including biological, adopted, foster and stepchild).

**Eligibility** – All full or part time employees in a regular position who have completed one year of service to participate either by donating time (donors) or by accepting donations (recipients).

**General Procedures** – The catastrophic leave donation program is intended to be used on a case-by-case basis when a qualifying catastrophic event involving an eligible employee is brought to the attention of the District Manager and Board of Directors.

- 1) Through the Human Resource policy developed by the District, the Board of Directors will review every case of donated leave either received or donated by an employee of the District.
- 2) The Board of Directors has final word on donation of time offered by one employee to another employee as outline in definitions. The Board of Directors will review every request and make a timely decision.
- 3) The District Manager is responsible for reviewing prospective recipient and donor eligibility. It is the decision of the District Manager to deny the request for catastrophic leave donation, the decision may be appealed to the Chairman of the District Board in writing, within one week of the initial denial and the decision of the Board of Directors will be final.

- 4) Informing the District staff that voluntary donations are being accepted. Such requests to donate leave must be voluntarily and formally made by eligible staff member to the District Manager.

**Caution: Solicitation of donations by staff members is prohibited.**

- 1) Ensuring that accurate record keeping is maintained by the District Manager on a timely basis, whenever transferring and crediting leave donation.
- 2) Ensuring that the recipient's absence is designated in accordance with the appropriate leave policy (e.g. Family & Medical Leave, Sick Leave, Vacation leave & Compensatory Leave). If the absence qualifies under the Family and Medical Act (FMLA) such leave time share be charged against the recipient's 12 weeks of FMLA entitlement. The District reserves the right to approve, deny, continue or discontinue a leave in accordance with the provisions of the specific leave policy regardless of the amount of donation available.
- 3) Donation of time will be reviewed by both the District Manager with final approval given by the Board of Directors as recorded in the minutes by the Secretary.
- 4) All donated time will be recorded on donor and recipients time sheets.

**Guidelines:**

- 1) The recipients have exhausted all other resources reflected on their timesheets before donations are made by another employee.
- 2) The time of time donated (i.e. sick or annual) must be appropriate for the absence. In the case of the employee illness/injury, donations may be in the form of vacation or sick leave. In the case of a family member's illness/injury, donations may only be in the form of vacation leave.
- 3) Donations of leave may not be used to extend the recipient's employment beyond the end of the term of appointment or the point it would otherwise end by operation of law, policy, rule, administrative prerogative, or regulation (e.g.) the end of an extended medical leave.
- 4) The transfer of donated leave to a recipient's accrual will be done on hour to hour basis for a maximum of 80 hours per fiscal year.
- 5) The recipient may not accumulate any more than of 80 hours of donated time in a twelve-month period from all employees of the District.
- 6) Recipients of donated time are not eligible to earn additional leave such as annual and sick leave while using donated time.
- 7) If during the course of using donated time, an employee separates from employment with the District , the accrued donated time will not be compensated by the District.

**Donor Eligibility Criteria:**

- 1) In order to donate paid leave, the following criteria apply:

- 2) A staff member must have been employed by the District for at least one year in a regular full time or part time position.
- 3) The maximum amount of vacation or sick leave that may be donated by an employee is 80 hours in total per fiscal year.
- 4) The staff member must have a minimum combined of 15 days of vacation or sick leave after making the donation.
- 5) Donations must be made on an hourly basis.
- 6) Only donations which are needed by the recipient will actually be taken from the donor(s).
- 7) Donation may be made only in response to a catastrophic event as described in definitions section of this policy.
- 8) Accruals which the donor would otherwise forfeit or not be entitled to use are not eligible to be donated.

**Recipient Eligibility Criteria** – In order to receive donated paid leave, the following criteria apply:

- 1) A staff member must have been employed by the District for at least one year in a regular full time or part time position.
- 2) In the case of the employee's own illness/injury, all accrued vacation, sick leave, and compensatory time (if any) must be exhausted before receipt of donated leave.
- 3) Time that is donated will be recorded by the recipient as sick leave.
- 4) The absence must be expected to continue for extended period of time, but it does not have to be in consecutive or full days to qualify for donated leave.
- 5) The recipient will only be provided with the amount of donated leave that is actually needed. (e.g. excess or unused donations will not be kept by recipient).
- 6) Medical verification of the illness or condition may be required by the District per the requirements of the type of leave being used (e.g. extended medical leave, worker's compensation, etc.)
- 7) A staff member must not have disciplinary history related to the abuse of leave time or absenteeism on record prior to the need for the donated leave.

**Tax Implications:**

Recipient: The use of any donated leave (i.e. additional vacation and/or sick days) constitutes wages for the recipient's subject to all payroll tax withholding.

Donor: The donor receives no benefits or tax penalties for the donation.

## 806 **Disclosure of Insurance Benefits**

**All District employees must carry some form of medical insurance as a condition of employment while working at the District.**

**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 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 Guidebook 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 Secretary/Treasurer 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 Secretary/Treasurer 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, or a change of 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.

## **807 Medical Insurance Benefits**

**All District employees must carry some form of medical insurance as a condition of employment while working at the District.**

**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; married couples and children that are in the legal guardianship of the employee in accordance with New York State.

**When Coverage Begins** – Coverage will begin on the first day of service to the District, 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 District will pay 100% of the premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time employee who was hired prior to August 1, 2002. The District will pay 80% of the premium for individual medical insurance coverage and 80% of the premium for family medical insurance coverage for those employees hired on or after August 1, 2002.

**Pre-Tax Insurance Premiums** – The employee's contribution towards the health insurance premium will be paid with pre-tax dollars. Deductions are taken from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income.

**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.

**Health Savings Account (HSA)** – Wayne County Soil & Water Conservation District enrolled with Health Savings Accounts through Lyons National Bank in 2012, in conjunction with a High Deductible Health Care Plan. Federal Guidelines now allow Health Savings Accounts to be used to help manage income and prepare for medical expenses during retirement. If an employee has a HSA, they can allocate a portion of their income each pay period to be deposited in that account up to the designated amount in the annual Federal Guidelines and that information will appear on their W-2 form and they will receive a 1098 form from the institution that holds the account. To allocate funding to an HSA, the District has a form that can be obtained from the District Secretary/Treasurer. HSA accounts are only applicable if the District maintains health insurance plan that correspond with federal contribution laws and regulations.

## **808 Medical Insurance Option-Benefit**

**All District employees must carry some form of medical insurance as a condition of employment while working at the District.**

**Eligibility** – A full-time employee who is eligible for medical insurance coverage made available through the District may apply for an alternative benefit annually. For employees that may secure insurance through another service such as a spouse, parent or domestic partner, a full-time employee may opt-out of medical insurance made available by the District. In lieu of the medical benefit only, the employee will receive a cash benefit of \$2,500.00. This option will need to be re-applied for annually during the open enrollment period and requires the employee to provide proof of other medical insurance. Payment will be made the first pay period in December as a separate unscheduled payroll and is subject to the employee's regular payroll deductions.

The District Board reserves the right to review the policy during the November Board meeting annually and to amend the policy in accordance with District needs.

**New Employee** – If a new employee was to qualify for this benefit, the benefit would be pro-rated by the number of months worked within the insurance period by the hire date.

**Reinstatement** – In the event the employee loses coverage under an alternate insurance plan, the employee may resume coverage under a medical insurance plan made available through the District. Coverage will become effective in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the insurance plan. If this was to occur the employee automatically waves the Medical Insurance Option Benefit.

**Changes** – This policy may be changed or eliminated at any time by resolution of the District Board.

## **809 Medical Insurance for Retirees**

**Coverage** – The District currently provides medical insurance coverage to an eligible full-time employee who was hired prior to August 1, 2002 and who retires from the District, given that the former employee had a minimum of twenty-five (25) years of creditable, full-time service. In the event the retiree becomes deceased all coverage is terminated. This coverage only covers the employee. Spousal coverage may be applied and reimburse the District for the cost difference from an individuals plan to the dual coverage.

Eligible retirees who were hired after August 1, 2002 and have twenty-five (25) years of creditable full-time service will be eligible for membership in the existing health plan with the District paying 50% of the premium payment and the remaining 50% being paid by the retiree until the retiree either becomes deceased or becomes eligible for Medicare at 65 years of age which ever come first. This does not provide coverage benefit to spouse's of employee.

**Plan** – The District will make available the same medical insurance plans offered to then current employees if insurance allows. The District Board may, at its discretion, change the plans at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier. Coverage under a medical insurance plan made available through the

District will continue until the retiree meets the eligibility criteria for Medicare coverage, at which time primary coverage will be provided by Medicare. At that time, the retiree may be required to change medical insurance plans in order to maintain supplemental coverage.

**Pre-Tax** - District insurance coverage will be accounted within each payroll check before tax in concert with the Federal Guidelines for health and medical insurance coverage.

**Changes in Premium Contributions** – The amount of the insurance premium a retiree 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 Dental & Vision Plan**

**Eligibility** – The District currently offers a dental and vision plan to each full-time employee as part of the medical insurance package. This is subject to change and will be reviewed with all eligible staff as potential coverage changes occur. Staff are not required to take this insurance or have the ability to take dental and vision even if they opt out of the medical insurance plan. A part-time, temporary or seasonal employee is not eligible for this plan.

**When Coverage Begins** – Coverage will begin on the first day of employment, provided the employee meets all eligibility requirements of the dental plan and has filled out all the paperwork three (3) weeks prior to their start date.

**Premium Payment** –The District will pay 100% of the premium for individual or family dental/vision insurance coverage, as the case may be, for each eligible full-time employee who was hired prior to August 1, 2002. The District will pay 80% of the premium for individual dental/vision insurance coverage and 80% of the premium for family insurance coverage for those employees hired on or after August 1, 2002.

**Pre-Tax** - District insurance coverage will be accounted within each payroll check before tax in concert with the Federal Guidelines for health and medical insurance coverage.

**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 of Directors will provide a two-month written notice of such change.

## **811 Life Insurance Benefit**

**Eligibility** – New York State & Local Retirement System provides a Death Benefit for staff members that participate in this program.

## **812 Continuation of Health Insurance Benefits (COBRA)**

**Summary** – New York State regulation (referred to herein as 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.

**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, the spouse of a covered employee or, or a dependent child of a covered employee. A child who is either born to or who is placed for adoption with the covered employee during a period of COBRA coverage is also a “qualified beneficiary” entitled to COBRA 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 and for a limited time as described below. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage. COBRA coverage is in effect for a period of up to eighteen, twenty-four, twenty-nine, or thirty-six months, depending upon any of the following qualifying events:

- An eighteen-month continuation will be available to a qualified beneficiary in the event of the covered employee’s termination of employment for any reason except gross misconduct, or the covered employee's loss of eligibility to participate due to reduced work hours.
- A twenty-four-month continuation will be available when a covered employee is on a leave of absence due to military service obligations.
- A twenty-nine-month continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.
- A thirty-six-month continuation will be available to a qualified beneficiary in the event of any one of the following:
  - \* Death of a covered employee;
  - \* Divorce or legal separation from a covered employee;
  - \* A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five; or
  - \* A covered dependent ceases to be a "dependent child" under the health insurance plan.

**Limitations** – In the event an employee becomes covered by Medicare, but no loss of coverage results for the employee or the covered dependents, and a subsequent qualifying event occurs, the duration of coverage for all qualified beneficiaries will be thirty-six months from the date of the termination or reduction in hours. A qualified beneficiary may be covered under multiple qualifying events, but in no case will coverage be continued for more than thirty-six months.



**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 Secretary/Treasurer 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 Secretary/Treasurer within the time indicated. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

### **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 District Manager immediately after the occurrence of the injury. The District Manager will notify the District Secretary/Treasurer who will complete and submit the required forms. The employee must also complete an "Employee Claim Form C-3" and submit it directly to the Workers' Compensation Board. The District Secretary/Treasurer will provide the employee with the necessary form.

**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.

**Medical Insurance Coverage** – The District will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

### **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 District will make available the New York State Employees' Retirement System pension plan to each eligible employee. An employee is eligible for service retirement benefits after five years of creditable public sector service. In the event an employee leaves after five years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee.

**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 Secretary/Treasurer. If the employee elects to join the Retirement System, the employee must complete the application form and return it to the District Secretary/Treasurer.

**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 Education Assistance**

**Eligible Expenses** – Upon proper authorization of the District Board, a full-time employee will be reimbursed for up to 50% of the cost of tuition for up to three (3) credit hours per year. Each course of study must be career related and pre-approved by the employee's supervisor. To receive reimbursement for a given course, the employee must successfully pass the course. Such courses shall be taken on an employee's time without pay.

**Employment Commitment** – An employee who receives reimbursement for education must sign an agreement to work for the District for at least twelve calendar months and to repay the District in the event the employee was to voluntarily leave employment prior to completing the twelve months.



## 900 COMPLIANCE POLICIES

---

### 901 *Equal Employment Opportunity*

**Policy Statement** – The WCSWCD 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, genetic 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 District Manager. In the event the employee is unable to discuss this matter with the District Manager, the complaint should be reported in writing to 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.

**Prohibition Against Retaliation** – Retaliation against any employee who brings a written or verbal complaint of discrimination 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 provide information related to such complaints, or who otherwise oppose an unlawful employment practice. 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.

**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 *The Americans with Disabilities Act*

**Policy Statement** – It is the policy of the WCSWCD to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit unlawful discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

**Reasonable Accommodation** – Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the District and/or operations of a program. The District may require medical documentation or other information necessary to verify the existence of the disability and the need for accommodation. Following receipt of an accommodation request, the District will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the District might make to help overcome those limitations.

The District will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodations(s), and the accommodation's impact on District operations.

**Pre-Employment Inquiries** – Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The WCSWCD intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

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

**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.

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

**Policy Statement** – It is the policy of the WCSWCD to promote a productive work environment and to prohibit conduct by any employee (as defined in Section 103 of the Employee Handbook) 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 District is committed to educate employees and Board members 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. In short, the District does 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 activity 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 any individual covered by this policy who, in good faith, files such complaint.

**Applicability of Policy** – This policy applies to all Appointed Members of the Board and employees, supervisors, and the District Manager, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, independent contractors, subcontractors, vendors, consultants or anyone providing services in the workplace. 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.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while employees or other individuals covered by this policy are traveling for District business or at District sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

**Prohibited Activity** – No employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or 3) otherwise adversely affects an individual’s employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status,

military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the District's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- **Discrimination:** The WCSWCD is an Equal Opportunity Employer. The District does not unlawfully discriminate on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

**Definition of Sexual Harassment** – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or



objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee or other individual covered by this policy who feels harassed should report such behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**Examples of Sexual Harassment** – The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

**Prohibition Against Retaliation** – Unlawful retaliation can be any action that could discourage an employee or other individual covered under this policy from coming forward to make or support a claim of discrimination or harassment, including sexual harassment.

Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee or other individual covered under this policy who has engaged in “protected activity” is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

**Reporting of Discrimination and Harassment (including Sexual Harassment)** – Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to the District Manager as soon as possible after their occurrence. If the District Manager is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the District Manager, the report should be made directly to a member of the District Board. 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 immediate supervisor, the District Manager, or any member of the District Board. Employees who work during off-hours are encouraged to contact 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. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the District Manager, or a member of the District Board.

**Supervisory Responsibility** – Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. The District Manager or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may

constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to a member of the District Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

**Investigation of Complaint** – The District Manager, in consultation with the District Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

**Confidentiality** – Complaints of discrimination and harassment, including sexual 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's employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

**Corrective Action and Discipline** – Any employee who is found to have violated any aspect of this policy will be subject to corrective or 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.

**Legal Protections and External Remedies** – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered. Aside from the District's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

#### New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within three years of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may

not file with DHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the District does not extend the time limits to file with DHR or in court. The three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the District to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has District, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or District in which they live to find out if such a law exists.

#### Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

**WCSWCD**  
**COMPLAINT FORM**  
**DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)**

This form is to be used to document any complaint of alleged discrimination and/or harassment, including sexual harassment, as outlined in the policy. Once you complete this form, please submit it to the appropriate individual as outlined in the policy. If you are more comfortable reporting the allegations verbally or in another manner, refer to your policy for guidance. Once you submit this complaint, the District will commence an investigation pursuant to its policy.

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.	

Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).

Are there others who may have experienced similar alleged discrimination and/or harassment by the individual named above? If so, provide their name(s).

Did you tell anyone about your experience after the alleged incident(s)? If yes, provide their name(s).

Did you speak to the individual named in this report about the alleged discrimination and/or harassment? If yes, what was his or her response?

Complainant Signature\*: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

\*I understand that the District prohibits any individual from retaliating against me for filing a complaint and that I am to report such retaliation pursuant to the District's policy.

Signature of Person Receiving Complaint: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

## **904 Reproductive Health Decision Making**

**Policy Statement** – The WCSWCD complies with NYS Labor Law Section 203-e which prohibits discrimination or retaliation against employees based on an "employee's or a dependent's reproductive health decision making," including, but not limited to, the decision to use or access a particular drug, device, or medical service related to reproductive health.

**Prohibited Conduct** – The District will not:

- Access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service, without the employee's prior informed affirmative written consent.
- Discriminate or retaliate against an employee with respect to compensation, terms, conditions or privileges of employment based on the employee's or the employee's dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service.
- Require an employee to sign a waiver or other document that denies the employee the right to make the employee's own reproductive health care decisions.

**Employee Rights and Remedies** – The law gives an employee the right to bring a civil action in any court of competent jurisdiction against an employer alleged to have violated the law. Available remedies include: (a) damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs; (b) injunctive relief; (c) reinstatement; and (d) liquidated damages equal to 100 percent of the award for damages, unless an employer provides a good faith basis to believe that its alleged violations were in compliance with the law.

## **905 Violence in the Workplace**

**Policy Statement** – The WCSWCD is committed to providing its employees with a work environment that is safe, secure, and free from violence. The District also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as "visitors") to be of paramount importance and strives to provide them the same type of protections while on District property.

**Workplace Violence Prevention Program** – In accordance with the New York State Workplace Violence Prevention Act, the WCSWCD has developed a Workplace Violence Prevention Program. As a part of this program, the District conducted a comprehensive risk evaluation of the entire workplace and will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the District encourages the participation and cooperation of employees and their authorized employee representative(s). A copy of the program is available from the District Manager' Office.

**Prohibited Conduct** – The District has zero tolerance for violence of any kind in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening,

intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives, explosives, and other items with the intention to inflict harm) in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on District property must report this to a District Manager or supervisor immediately.

For the purpose of this program, the workplace is defined as any location away from an employee's home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, District-owned buildings and surrounding perimeters, parking lots, work sites, clients' homes, and traveling to and from work assignments.

**Reporting Requirements** – Any incident of workplace violence or imminent danger must be promptly reported to the District Manager or a member of the District Board.

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

**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.

## **906 Drug-Free Workplace / Drug Free Awareness Program**

**Policy Statement** – It is the policy of the WCSWCD 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 WCSWCD's Drug-Free Workplace Policy pertains to all individuals who are employed by the WCSWCD.

**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 WCSWCD 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 District Manager 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 District Manager 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 WCSWCD 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 morale, 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

## **907    *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.

## **908    *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 their supervisor who will in turn notify the District Manager. The District will maintain appropriate documentation of the incident.

## **1002 Hazard Communication Program**

**Statement of Compliance** – The 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. Chamber of Commerce, Rotary Club, schools, neighborhood groups, etc.). The employee must obtain prior approval from the District Manager before agreeing to do so.

## **1006 Reporting of Improper Activities**

**Policy Statement** – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of District funds or property, safety issue, or other matter that appears to be improper, should immediately make the District Manager or any District Board member aware of the issue. When an imminent and serious danger to public health or safety exists, an employee may see fit to immediately report violations to law enforcement or other applicable governing body. Even if you are in doubt about what you witnessed or were made aware of you should report the matter.

**Retaliation** – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation. Any District employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.

## 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 Guidebook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Guidebook. 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 Guidebook 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;"><b>WAYNE COUNTY SOIL &amp; WATER CONSERVATION DISTRICT</b></p> <p style="text-align: center;"><b>EMPLOYEE GUIDEBOOK ACKNOWLEDGMENT</b></p>
---

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

I understand that the Employee Guidebook 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 Wayne County Soil & Water Conservation District reserves the right to interpret, change or modify any section of the Employee Guidebook 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 Guidebook.

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

\_\_\_\_\_  
Employee name (please print)

\_\_\_\_\_  
Supervisor Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature