

TOWN OF NEW BREMEN
EMPLOYMENT AND LIABILITY GUIDELINES FOR APPOINTED EMPLOYEES

1.1 Purpose

The purpose of this document is to establish an orderly procedure for the recruitment and appointment of Town employees. It is the intent of this policy to ensure the appointment of competent individuals to Town positions based on the merit principal; that is, solely on the basis of job-related qualifications. The Town's non-discrimination policies and procedures shall govern appointments.

1.2 Vacancies

A vacancy refers to an unfilled “permanent position” that is authorized by the Town Board. It shall be the responsibility of the department having the vacant position to notify the Town Supervisor that a vacancy exists and to begin the authorization process to fill the position.

1.3 Civil Service Job Classes:

It is the general policy of the Town of New Bremen to apply the principals of qualifications for employment in the selection of employees for Town positions.

Regular positions exempt from Civil Service will be filled on the basis of merit.

Competitive – N/A

Non Competitive – MEO, Assessor, Data Collector, Clerk, Health Officer

Exempt – Historian, Dog Control Officer, Town Attorney, Registrar, Deputy Town Clerk

Laborer

1.4 Non Civil Service Positions

Highway Superintendent, Town Clerk/Tax Collector, Supervisor, Council, Justice

1.5 Minimum Qualifications

Minimum qualifications are established by the Civil Service Commission and the Town Board after consultation with department heads and others having expertise in the field covered by the job.

Minimum qualifications may be revised at any time, but will not be changed during an announced recruitment period (from posting to deadline). Job openings will be posted in the Town Garage, Clerk’s Bulletin Board, [Linking Lewis County Website](#), and in the Town’s official newspaper.

Job descriptions and minimum requirements for non-competitive positions, otherwise known as “sub-section “C”, are attached to the back of this agreement.

The minimum qualifications will be stated on the recruitment announcement. If large numbers of applicants are anticipated, the announcement may state, "Preference may be given to applicants possessing qualifications above the minimum. An applicant must: meet minimum qualifications to be considered.

1.6 Appointment

After interviewing and investigating qualified applicants, the department head shall make an appointment and shall notify the Town Supervisor of the person appointed. The department head is responsible for complying with the Town's Non-discrimination Policy. A person accepting appointment shall report to the department head for orientation and processing on or before the employment date. Where the applicant fails to report on the appointed day, it shall be assumed that the appointment is declined unless the applicant presents acceptable reasons for his action to the department head within 24 hours.

1.7 Temporary Appointment

Whenever there is a need for a short-term or seasonal employee, or when necessary to prevent the stoppage of public business, the appointing power may make a temporary appointment of an applicant until the services of the casual short-term employee are no longer required. Except where provided by statute, temporary employees shall not be given, nor shall they be led to believe they will be given preference for any regular employment.

1.8 Probationary Period

The probationary period is designed to (1) allow the Town an opportunity to observe the new employee's ability to perform the assigned duties, and (2) focus the department head's attention on the need for specific training. The employee's progress will be monitored, documented, and discussed with the employee throughout the probationary period.

** See sub-section "B" for hourly wage scale attached to the back of this agreement **

1.9 Regular appointment or Rejection of Probationary Employee

Upon original appointment, regular employees are subject to a 6 month probationary period. The department head shall complete a written performance appraisal for each probationary employee. At least one week, but no more than four weeks prior to the expiration of the probationary period, the department head shall notify the Town Board if the continued employment of the probationary employee is recommended.

During the probationary period, the employee will be paid \$2 less per hour than current employees of the same class **but no less than minimum wage set by current laws.**

A probationary employee may be terminated for any reason without the right of appeal provided that the reason is not unlawful. A probationary employee shall be given written notification of the rejection. Following sound management principals, the department head is encouraged to communicate the reasons for the rejection to the probationary employee.

HEALTH INSURANCE

2.0 Coverage

1. New retirees, as of January 1, 2008, will be responsible for 25% of the health insurance premium cost.
2. Full time employees (as defined by the New York State Retirement System and Town Board Resolution No. 74 of 2010) will be responsible for a percentage of the health insurance premium cost as determined annually by the Town Board and noted below under contribution rates.
3. Employees who choose NOT to participate in the health insurance program will be compensated with a flat rate of \$1000 paid on a quarterly basis. They will be required to sign an annual declination form and provide proof of alternate insurance coverage, to be kept on file with the Highway Superintendent.

Current Employees

Eligible employees who are currently enrolled in the Town's insurance plan will remain eligible in the plan until they voluntarily withdraw or until become deceased. Eligible spouses/domestic partners who are currently enrolled will remain in the plan until the employee is no longer eligible. These spouses/domestic partners can remain in the plan after the death of the employee by assuming payment of the full (100%) premium.

New Employees

New hires that are eligible for health insurance will contribute at the established rate set at time of employment. At the termination of employment these employees may remain in the plan by assuming full (100%) payment of the premium. Spouses/domestic partners who were enrolled in the plan prior to the death of the employee may remain in the plan by assuming full (100%) payment of the premium.

Stipulations

Employees who are removed from their duties "with cause" forfeit their (and their spouse's) eligibility for insurance coverage in the Town's plan.

Employees who resign their position with less than sixty (60) days notice to the Town forfeit their (and their spouse's) eligibility to continue in the Town's insurance plan.

Employees hired after January 1, 2017 must have fifteen (15) years (full time) service to receive health insurance in retirement. Contribution rate will be the same as current employees.

Contribution Rates

Employees who enroll in the plan will contribute toward the cost of their health insurance at the following rates:

2016	24%	2020	29%
2017	25%	2021	30%
2018	27%	2022	30%
2019	29%		

LEAVES

2.1 Purpose

The purpose of the section is to identify and describe the types of leaves provided by the Town of New Bremen to its employees and specified herein.

2.2 Holidays

The following shall be paid holidays for the employees of the Town of New Bremen:

New Year’s Day	Martin Luther King Day
Good Friday	President’s Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Election Day	Veteran’s Day
Thanksgiving Day	Christmas

Employees who must work on approved holidays shall be entitled to pay at one and one-half times his or her regular hourly rate. On Thanksgiving or Christmas Day employees will be paid at two times his or her regular hourly rate for hours worked. If a holiday falls on an employee's regularly scheduled time off, the employee will be entitled to compensatory time off. Temporary and/or part time employees shall not receive holiday or vacation pay.

2.3 Annual Vacation Leave - Purpose

The purpose of vacation leave is to give the employee an opportunity to get away from the problems and pressures of the workplace, to relax with family and friends, and to return to the job refreshed and ready to take on new challenges. **Any employee that is scheduled vacation and “recalled” to work will not be charged vacation leave and will be compensated for the hours worked.**

2.4 Vacations & Personal Leave

Regular full-time employees will earn vacation time and personal leave time. **Employees will be allowed to take vacation and personal leave in hour increments. Each employee may accrue vacation to a maximum of 200 hours. Personal leave will be used annually and not allowed to carry over to the following year. Vacation and personal leave will accrue as follows:**

<u>Years of service</u>	<u>weeks of vacation</u>	<u>personal days</u>
1 year	1 week 40 hours	2 16 hours
2 years	2 weeks 80 hours	5 40 hours
10 years	3 weeks 120 hours	5 40 hours
15 years	4 weeks 160 hours	5 40 hours
20 years	5 weeks 200 hours	5 40 hours

Employees earn vacation for years of service accrued prior to the year of taking that vacation. Each department head will maintain records of vacation leave credit and its use. The department head shall schedule vacation leaves with regard to seniority of employees, the department's operating requirements and responsibilities, and, insofar as possible, with the requests of employees. Vacation time must be used in the year in which it is earned.

2.4a Comp Time

Comp Time will be allowed in lieu of overtime for a maximum of 40 hours. Comp Time will be accrued at the rate of 1.5 hrs for every overtime hour worked (ex 1 hr OT = 1.50 hrs comp time). Approval to use Comp Time must be approved by the Highway Superintendent.

** See Section 4.1 for Employee Retirement Guidelines **

2.5 Holidays Occurring During Vacation Period

In the event one or more of the above holidays occur during an employee's scheduled vacation, such holiday shall not be charged as vacation days. No holidays will be granted which fall during terminal vacation or leaves of absence without pay.

2.6 Terminal Leave

Any regular employee leaving the employ of the Town of New Bremen shall be compensated for vacation leave credited and unused to the date of termination, providing the employee has been in the continuous service of the Town for at least 1 full year and worked a minimum of 31 days into the new year.

Terminal vacation shall be added to the employee's final payroll check which may reflect prior days worked. The effective date of termination shall be the last day actually worked by the employee.

2.7 Sick Leave - Purpose

The purpose of sick leave is to provide a safety net of economic security in the form of continued wages for regular employees who must be absent from work because of personal illness or injury, because of a doctor's appointment, or as otherwise provided for in these Policies and Procedures.

- a. Full time employees who are paid on an hourly basis shall receive 1(one) working day per Month (8 hours).
- b. Unused sick leave days may be accumulated to a maximum of 180 days (1,440 hours). Use of sick days shall not be abused and the department head may require a doctor's statement to support employee's use of sick days.

- c. Accrual of sick days at 1 per month shall commence upon approval of this document by the Town Board

2.7a Policy and Procedures

Reasonable sick leave with pay shall not be considered a right, but shall be allowed in case of:

- a. Actual personal illness, including disability due to pregnancy, childbirth, or related medical conditions.
- b. Personal injury, either job or not-job related.
- c. Physical examinations and consultations with physicians for the employee or his family.
- d. This privilege may be revoked if used in excess.

In order to receive compensation while absent on sick leave, the employee shall notify the department head prior to the scheduled work time or in accordance with departmental policies. All sick leaves shall be approved by the department head. When the absence is for more than three working days, the employee may be required to file a physician's certificate with the department head, stating the cause of absence, the employee's medical condition as it relates to the employee's ability to perform employment related duties, and the expected duration of the leave. The employee may be asked to provide a physician's statement at two (2) week intervals from the time the sick leave began.

In the event that sick leave is no longer available, the employee may use accrued vacation time, compensatory time, or leave of absence without pay as provided in these Policies and Procedures. Employees may donate accrued sick leave to a fellow employee(s) with prior approval of the Highway Superintendent.

2.8 Maternity/Parental Leave

Employment policies and procedures shall be applied to a disability due to the employee's pregnancy, childbirth, or related medical conditions, on the same terms and conditions as they are applied to other temporary disabilities. Under normal circumstances, the employee will be expected to provide prior notice of the period of leave requested and any change in the period requested must be approved before the change is effective. As with other illnesses or temporary disabilities, the employee may also be required to verify by medical certification that employment-related duties cannot be performed because of a disability due to pregnancy, childbirth, or related medical conditions.

Dental leave for purposes of infant, child or family care or for related reasons shall be considered under the same terms and conditions as any other request for personal leave. Sick Leave may not be used for this purpose. Accrued compensatory time or vacation leave may be used for this purpose, after which, an employee may request an unpaid leave of absence in accordance with these Policies and Procedures.

2.9 Military Leave

The Town Supervisor shall grant leave without pay to employees for the purpose of regular service or training duty in the armed forces of the United States without loss of seniority, providing that military leave shall be with pay during the first thirty (30) calendar days of such leave. All employees taking such leave shall give the Town Supervisor opportunity to determine, within the

limits of government regulations, when such leave shall be taken. At the option of the Town Supervisor, an employee commencing a military leave of absence of more than ninety (90) days may be paid in a lump sum for all accrued vacation leave.

An employee ordered to report for active duty in the National Guard or reserve military, naval or air forces of the nation shall present copies of such orders to the Town Clerk at least ten (10) days before the reporting date, or as soon as such orders are received if the employee is required to report in less than ten (10) days from the first notification of duty to report, in order to be covered.

2.10 Emergency Leave - Funeral Leave

Emergency leave of up to three (3) days with pay shall be granted to all regular full time employees in the event of death or serious illness in the immediate family. Immediate family shall consist of: spouse, parents, children, siblings, grandparents, in-laws and step-families.

2.11 Injuries and accidents

An employee injured in the line of duty shall report such injury as soon as possible to the department head in accordance with the Workman's Compensation Law. The report shall give all known details and circumstances pertaining to the injury and the names of all witnesses thereto.

2.14 Jury Leave

An employee required to serve as a juror or as a witness for the Federal, State or County Court shall be entitled to be absent from work duties during the period of such service or while necessarily being present in court as a result of such call. Under such circumstance, the employee shall be paid the difference between his/her regular pay and any compensation received, except travel, food, or lodging compensation for such duty.

2.15 Leave of Absence Without Pay

Department heads may grant a regular employee a leave of absence without pay not to exceed two weeks. Such leaves shall be reported immediately to the Town Supervisor.

If leave exceeds two weeks, an employee's seniority status will be adjusted to reflect the period of leave, except for long term disability. Sick leave, vacation and holiday benefits do not accrue at any time during a leave without pay status. Extension of insurance coverage is available at the employee's expense for the duration of the leave of absence. An employee not returning following the agreed upon date of return shall be considered to have resigned.

DISCIPLINE

3.1 Purpose

The purpose of this policy is to ensure the orderly and efficient operation of the Town offices and functions by requiring employees to adhere to standards of work conduct at all times. These work rules and standards protect the citizens of the Town of New Bremen and all employees, and the goodwill and property of the Town.

3.2 Policy

An employee, who fails to maintain proper standards of conduct as outlined in these Policies and Procedures or in departmental rules and regulations, shall be subject to disciplinary action up to and including discharge. Examples of transgressions that may result in disciplinary action up to and including discharge include but are not limited to: neglect of duties, disobedience of orders, willful misconduct or failure to properly perform the duties of the employee's position. The suspension, demotion or discharge of an employee may be appealed to the Town Board, at the employee's request.

3.3 Just Cause

Employee discipline shall in all cases be based on just cause and, where appropriate, be accompanied by a written notice of the specific acts or omissions upon which the discipline is based.

3.4 Progressive Discipline

The purpose of progressive discipline is to provide the opportunity for an employee to correct an inappropriate behavior by providing for more serious consequences in those situations where an employee chooses not to correct the behavior. Nothing in this section shall imply that the steps of progressively more serious discipline must be followed in order. The seriousness of each offense shall be judged on its own merits and the discipline assigned accordingly.

3.5 Forms of Action

1. Oral Reprimand

The department head shall issue an oral reprimand to put the employee on notice that the employee's performance or conduct is substandard and to advise the employee of the expected levels of conduct. Oral reprimands shall be noted in the employee's permanent record.

2. Written Reprimand

In the case of a more serious offense or in the case where an employee's performance or conduct has not improved as a result of one or more oral reprimands, the department head shall issue a written reprimand. This written record puts the employee on notice that his/her actions and performance is unacceptable. It also documents the specific acts or omissions upon which the discipline is based as well as the expected corrective action.

3. Suspension

In the case of serious or intentional transgression of these Policies and Procedures or in the case where an employee's performance or conduct has not improved as a result of lower levels of discipline, an employee may be suspended without pay for up to thirty (30) calendar days. The employee shall receive a written notice of the suspension, which documents the specific acts or omissions upon which the discipline is based as well as the expected corrective action.

4. Discharge

With just cause the department head may discharge an employee.

5. All disciplinary actions will be documented and placed in the employee's permanent file.

SEPARATION

4.1 Voluntary Separation

A voluntary separation is one, which is initiated by the employee.

1. Resignation

Employees are to give a two-week notice to their department head of their intent to resign.

2. Retirement

- a. Employees are to give at least sixty (60) days notice to the department head of their intent to retire. The department head is to notify the Town Board and Supervisor upon receipt of intent.
- b. Employees are required to work a minimum of 31 days into a new year to qualify to use the previous years earned vacation.

** See Section 2.4 for Years of Service/Earned Vacation **

4.2 Involuntary Separation

An involuntary separation is one, which is not initiated by the employee and includes discharge and/or layoff.

All employment related matters for the Town of New Bremen shall be made without regard to age, race, creed, color, sexual orientation, national origin or physical handicap.

DRESS CODE

5.1 TOWN OF NEW BREMEN DRESS CODE

The following information is intended to serve as a guide to help define appropriate wear for all employees during working hours. The Town of New Bremen's objective is to have employees project a professional image while taking advantage of more casual and relaxed clothing.

On the other hand, not all casual clothing is appropriate for the office. Items that may be perfect for working in the yard, going on a picnic or playing sports aren't appropriate for the office, nor is clothing that is too revealing. Regardless of the item, it is essential to avoid wearing anything to the work place that is excessively worn, frayed or wrinkled.

Listed below is a general overview of acceptable business casual wear as well as a listing of some of the more common items that are not appropriate for the office. Neither group is intended to be all-inclusive. Rather, these items should help set the general parameters for proper casual business

wear and allow you to make intelligent judgments about items that are not specifically addressed. A good rule of thumb is that if you are not sure if something is acceptable, chooses something else or inquire first.

Clothing Allowance: Each (full time) employee will receive \$450.00 per year for purchase/replacement of work clothing/safety shoes. Approval must be given by the Highway Superintendent.

Uniforms: Members of the Highway Department may wear uniforms.

Slacks: Cotton slacks are acceptable provided they are clean and wrinkle-free including jeans of any color. Sweatpants, wind suits, short shorts, Bermuda shorts, bib overalls, leggings, spandex or other form-fitting pants shall not be acceptable attire.

Shirts: Casual shirt, golf shirt, sweaters, neat sweatshirts and turtlenecks are acceptable. Inappropriate items include tank tops, shirts with large lettering, logos or slogans, halter-tops, tops with bare shoulders, and t-shirts unless worn under another blouse, shirt, jacket, or jumper.

Dresses and Skirts: Casual dresses and skirts, and split skirts at or below the knee are acceptable. Dress and skirt length should be no shorter than four inches above the knee. Mini-skirts and spaghetti-strap dresses should not be worn to the office.

Footwear: Loafers, boots, flats, dress sandals, open-toed shoes, clogs and leather deck shoes are acceptable. Stockings are acceptable if it's appropriate for the rest of the outfit.

Jewelry: Should be conservative with no visible body piercing other than pierced ears.

If an item of clothing is deemed to be inappropriate for the office by the employee's supervisor and/or the Manager of Human Resources, the employee may be sent home to change clothes and will be given a verbal warning for the first offense. Progressive disciplinary action will be taken for further dress code violations.

Any questions regarding the attire policy should be directed to the department head and/or the Manager of Human Resources.

5.2 GROOMING AND ATTIRE

Proper grooming and attire have a positive impact on the department's image. Positions that involve frequent, direct public service contact: i.e. those where meeting the public is an inherent function of the position, and where such contact would normally occur daily, are subject to the following appearance standards:

1. Male employees are required to wear neat and clean trousers, shirt or uniforms and shoes. (Sneakers and gym, jogging, and tennis shoes are inappropriate except where permitted by individual department work rules). Hair, beards and mustaches will be kept clean and trimmed to standards set by the department head and the Town Board.
2. Female employees are required to wear neat and clean dress skirts, dresses, slacks, top, and shoes. (Gym, jogging, sneakers, and tennis shoes are inappropriate except where permitted by

individual department work rules.) Normally accepted personal hygiene practices will be maintained.

2. con't. - Inappropriate attire is defined as, but not limited to: halter tops, shorts, midriff tops, T-shirts with offensive slogans or pictures, beach costumes, see-through or mesh clothing, the visible display of thongs, and ragged, torn or dirty clothing. An employee whose dress and personal hygiene are determined to be unacceptable by the department head will be sent home to remedy the situation.

A second or subsequent deviation from acceptable grooming, hygiene and attire standards will result in the employee being sent home. A third deviation from this dress code shall be cause for disciplinary action, which may include suspension without pay or dismissal.

5.3 RULES/REQUIREMENTS FOR DCO ~~Remove Covered by Contract with DCO~~

~~———— The Dog Control Officer and/or Deputy Dog Control Officer for the Town shall abide by the said employment and liability guidelines, the requirements set by the State along with the following rules/requirements set by the Town Board on November 9, 2009.~~

- ~~—— Must be able to be contacted and post contact info at Clerk's Office, Sherriff's Dept., Humane Society, Public Health and LCGH.~~
- ~~—— Be on call and available~~
- ~~—— Quarterly report to the Town Board~~
- ~~—— Keep a call log~~
- ~~—— Take animals to shelter or vet if injured or sick~~
- ~~—— In case of dog bite contact Lewis Co. Public Health or advise victim to call. If in violation of Ag & Markets Article 7 and/or Town Local Law, DCO will seize dog and transport to vet for quarantine.~~

This POLICY shall remain in force until amended by the Town Board. Each appointed employee of the Town of New Bremen shall receive a copy of this POLICY at the time his/her employment with the Town begins and/or when this POLICY is amended.

Adopted June 12, 1995

Amended March 10, 2014

Amended September 12, 2016

sub-section “B”

HOURLY WAGE LISTING FOR EMPLOYEES

	2016	2017 + 2%	2018 + 2%	2019 + 2%
MEO/Deputy Hwy. Supt.	18.00 rt 27.00 ot	18.36 rt 27.54 ot	18.73 rt 28.10 ot	19.11rt 28.67 ot
MEO	17.50 rt 26.25 ot	17.85 rt 26.78 ot	18.21 rt 27.32 ot	18.57 rt 27.86 ot
PT MEO w/CDL	17.50 rt 26.25 ot	17.85 rt 26.78 ot	18.21 rt 27.32 ot	18.57 rt 27.86 ot
PT Laborer	13.75	14.03	14.31	14.59
Deputy Town Clerk	12.50	12.75	13.00	13.26
Court Clerk	12.90	13.16	13.42	13.69
Data Collector	12.50	12.75	13.00	13.26

Increases: 2020 2%
2021 2%
2022 2%