

The seal of Broome County, New York, is a circular emblem. It features a central figure of a woman in a long dress, holding a scale of justice. Above her is an eagle with its wings spread. The seal is surrounded by a decorative border with the text "SEAL OF BROOME COUNTY" at the top and "NEW YORK STATE" at the bottom. A star is visible on the left side of the seal.

Broome County Employee Handbook

**Adopted by Resolution #03-445
of the Broome County Legislature**

Broome County Employee Handbook

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100 INTRODUCTION

101 *Welcome Message from Broome County*

We would like to welcome you and congratulate you on your appointment to a position with Broome County. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

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

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

We trust that you will find your service with Broome County rewarding both personally and professionally.

102 *A Message from Our Unions*

This Employee Handbook has been developed by Broome County to assist you in getting acquainted with your employment with the County. A cooperative labor-management relationship not only lends to a positive work environment but also helps ensure a fair treatment in the workplace.

It is important that each member understand the personnel policies and procedures outlined in this Employee Handbook as they pertain to employee benefits and work rules. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative.

We hope that your career with Broome County will be an enjoyable experience.

103 *Our Heritage*

Until the end of the American Revolution, this area was inhabited by Native Americans. Two main settlements were found at Onaquaga, near present-day Windsor, and Otseningo, located along the Chenango River, just north of the present-day City of Binghamton. Smaller settlements could be found at Chugnuts, Castle Creek and the Vestal area. As part of the Iroquois Confederacy, and considered a threat to the revolutionists' efforts, the Sullivan-Clinton campaign was used to remove the Native American population. After the conclusion of the Revolution, the land was divided among many land speculators, including William Bingham, who obtained over ten thousand acres at the confluence of the Susquehanna and Chenango Rivers, and the developers of the Boston Purchase (also called Boston Town Towns) which encompassed much of northern Broome, as well as parts of Chenango, Tioga and Tompkins Counties.

William Bingham was a wealthy Philadelphia banker whose interest after the revolution was in land. Aside from this area, Bingham also owned over 500,000 acres of land in the state of Maine. Bingham envisioned a new village at the meeting of the two rivers and hired local merchant Joshua Whitney to be his land agent. Whitney was responsible for the first street plan of the village, worked to entice new settlers to the area, and became the area's first elected representative to Albany. Bingham died in 1804, never visiting the area that would bear his name. Nonetheless, Whitney continued to work diligently to build the new town. In 1806 the area was separated from Tioga County, and the new county was named after Revolutionary War veteran and then Lieutenant-Governor John Broome.

With the opening of the Erie Canal, this area, like many, sought their own canal to connect to the Erie to aid development. Finally in 1834, work began on the Chenango Canal, a 97 mile long engineering marvel which connected Binghamton in the south with Utica and the Erie Canal in the north. The first packet boat arrived in 1837 and new development followed the route of the canal. Despite the economic failure of the canal (it never made a profit), the county benefited from the arrival of new settlers and merchandise, as well as providing a means of shipping finished goods in and out of the area. Mills sprang up along the southern end of the canal, and department stores and hotels rose along the retail corridor. In 1848, the Erie Railroad arrived, and the coming of the iron horse spelled the end for the canal. Within two decades the area had become a transportation hub, with north-south and east-west railroad lines and the canal. But by 1874, the Chenango Canal route was closed in Binghamton, the only remnants being a proposed expansion along the Susquehanna River that would later become part of the Vestal Parkway.

The period surrounding the Civil War saw great change for the area. Its leading politician, Daniel S. Dickinson, served in the United States Senate from 1844-1850, and after the outbreak of the war spoke countless times in favor of the Union. The needs for munitions and other war products brought assembly-line factory work to the area, and guns and other products were developed in this region. After the end of the war, the area enjoyed the fruits of the Industrial Revolution, and new major industries opened. The lumber industry was transformed into a large furniture and wagon business. By far, however, the area was truly changed with the arrival of the first cigar manufacturing company in the 1870's. By 1890 over fifty factories were operating with five thousand people involved in the manufacture of over 100 million cigars each year. Binghamton ranked only behind New York City as the top cigar making city in the country. Immigrants from Eastern Europe and other countries poured into the area to work in this industry, or one of the many other companies producing over two hundred different types of products by the turn of the century.

As the area's population was doubling every ten to fifteen years, so were the area's municipalities. By 1900 the county had 16 towns, six villages and one city. Binghamton had the largest population. Despite the largeness of the cigar making industry, it had all but disappeared by 1930 due to the rise in popularity of the cigarette, automation, and labor unrest. Many of the former cigar workers took solace in finding employment in the factories of the Endicott-Johnson Shoe Corporation. Begun as Lester Brothers Boot and Shoe Company in Binghamton in 1854, it moved to create its own company town, Lestershire, to the west of Binghamton. Financial problems forced the sale of the company to a creditor and fellow shoemaker, Henry B. Endicott of Massachusetts in 1890. In 1899 he made former Lester Brothers factory foreman, George F. Johnson, his partner. Johnson's Square Deal program quickly transformed the company into an industrial giant, with over 20,000 employees by the mid 1940's, and a production of 52 million pairs of shoes each year. Johnson's and E-J's philanthropy included the donation of parks, land for churches, two libraries and the six wooden carousels still in use today.

At the same time Johnson City (formerly Lestershire) and the planned community of Endicott (incorporated in 1906) were growing, so too was a firm that started in Binghamton in 1889 as the Bundy Manufacturing Company. Involved in timer clock production, it merged with several other firms and went through a variety of names before hiring Thomas Watson, Sr. in 1914. His corporate leadership moved the company into a new era, and in 1924 he changed the name of the company to International Business Machines. IBM has since become the area's leading employer.

During the height of the Great Depression Edwin A. Link followed his dream to develop the pilot trainer, or flight simulator. Link Aviation, through its many forms has lead the world in training of pilots, and the technology has evolved into a virtual reality world of products on today's markets. Like Link, many other companies were involved in the cold war growth of the defense business. IBM, General Electric, Universal, Link and others relied heavily on those dollars, and with the ending of the cold war, many businesses saw those markets evaporating. The area hit an economic slump, which left many to believe that the "Valley of Opportunity" was gone. But a resurgence based on diversity of business and slower growth has helped to bring the area moving back toward its former levels of employment and industrial strength.

Despite our rich business history, it has always been the story of our people -- the thousands of immigrants and their distinct ethnic food, costume, languages, "Gold Dome" churches, and heritage that have made this region a true melting pot. The legacy of our businesses such as E-J, and our continual ethnic and business heritage make this region a strong and vibrant part of the American Culture.

104 **Definitions**

Broome County - For purposes of this Employee Handbook, Broome County may be referred to as the “County”.

County Legislature - For purposes of this Employee Handbook, “County Legislature” will mean the County Legislature of Broome County.

Elected Official - For the purposes of this Employee Handbook, “Elected Official” will mean and refer to any of the following elected officials of Broome County:

- County Executive
- County Legislators
- County Clerk
- District Attorney
- Sheriff

County Executive - For purposes of this Employee Handbook, “County Executive” will mean the County Executive of Broome County. Where appropriate, it may also refer to an individual properly assigned by the County Executive as designee to act in his/her stead.

Department Head - For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, bureau, unit, or subdivision of Broome County. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head.

Supervisor - For purposes of this Employee Handbook, “supervisor” will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

Employee - For the purposes of this Employee Handbook, “employee” will mean a person employed by the County (excluding those employed at Broome Community College or the Broome County Public Library), including, but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or paid student intern, but not an independent contractor.

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

105 *The Purpose of this Employee Handbook*

Statement of Purpose - The purpose of this Employee Handbook is to communicate the County's personnel policies and practices to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, the County Charter and Code, General Municipal Law, an applicable collective bargaining agreement, or any other applicable law, rule, or regulation.

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

Changes or Modifications - The County Legislature, and/or the County Executive, as applicable, reserve the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. In addition, this Employee Handbook is subject to alteration by resolutions of the County Legislature, changes in County 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 a County Law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

Broome Community College and Broome County Public Library – This handbook is not applicable to employees of Broome Community College or the Broome County Public Library.

Collective Bargaining Agreements - In the event an expressed and explicit provision set forth in a collective bargaining agreement between Broome County and an employee organization as defined by the Public Employees' Fair Employment Act (Taylor Law) should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Questions - Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head.

200 EMPLOYEE CLASSIFICATIONS

For purposes of identifying distinct employee classifications within this Employee Handbook, reference will be made to the terms shown below. The definition provided for each of these terms applies only within the context of the Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a Collective Bargaining Agreement.

201 *Full-Time Employees (1000 budget line)*

For purposes of this Employee Handbook, the term “full-time employee” will mean and refer to an employee who is regularly scheduled to work a minimum of thirty seven and one-half or forty hours per week, depending upon the established workweek for the assigned position. Positions occupied by these employees appear on the 1000 line of the annual County budget.

202 *Part-Time Employees (1500 budget line)*

For purposes of this Employee Handbook, the term “part-time employee” will mean and refer to an employee who is regularly scheduled to work less than thirty seven and one-half or forty hours per week, depending upon the established workweek for the assigned position. Positions occupied by these employees appear on the 1500 line of the annual County budget.

203 *Temporary Full-Time Employees (1600 budget line)*

For purposes of this Employee Handbook, the term “temporary full-time employee” will mean and refer to an employee who works a regular schedule of at least thirty-seven and one-half or forty hours per week, depending upon the established workweek for the assigned position. Further, such employee must not be covered by the terms of a collective bargaining agreement. Positions occupied by these employees appear on the 1600 line of the annual County budget.

204 *Temporary Part-Time (1600 budget line)*

For purposes of this Employee Handbook, the term “temporary part-time employee” will mean and refer to an employee who works less than thirty-seven and one-half or forty hours per week, depending upon the established workweek for the assigned position. Further, such employee must not be covered by the terms of a collective bargaining agreement. Positions occupied by these employees appear on the 1600 line of the annual County budget.

205 FLSA Non-Covered Employees

For purposes of this Employee Handbook, “FLSA non-covered employee” will mean and refer to an employee not covered under the Fair Labor Standards Act (FLSA).

206 FLSA Exempt Employees

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

207 FLSA Non-Exempt Employees

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

300 THE CIVIL SERVICE SYSTEM

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

301 *The Unclassified and Classified Services*

Unclassified Service - In accordance with Civil Service Law and for purposes of this Manual, the term "Unclassified Service" will include, for example, all individuals who are Elected Officials, paid members of boards or commissions, and Department Heads who have power and authority to appoint and remove officers and employees. The Unclassified Service also includes any individual so designated in Civil Service Law, Section 35.

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

- **Exempt** - those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41).
- **Competitive** - those positions for which it is practicable to determine merit and fitness by competitive examination. All positions are presumed to be in the Competitive Class when created. (See also Civil Service Law, Section 45).
- **Non-Competitive** - those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience (Civil Service Law, Section 42).
- **Labor** – unskilled labor positions, except those positions which are subject to competitive examination. (Civil Service Law, Section 43).

302 *Civil Service Appointments*

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

- **Permanent** - an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;

- **Provisional** - an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
- **Temporary** - an appointment to a position in the Competitive Class for reasons including, but not limited to: planned termination of the position after a limited time; replacement of an employee who is on a leave of absence; 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 County intends to maintain, the County will fill the vacancy by selection from the eligible list of persons who have taken the appropriate Civil Service examination, certified by the Broome County Department of Personnel. The written examinations are prepared and rated by the New York State Department of Civil Service, in accordance with Section 23-2 of the Civil Service Law. The provisions of the New York State Civil Service Rules and Regulations dealing with the rating of examinations apply to all examinations. The Broome County Department of Personnel will administer the examinations and establish an eligible list according to the ratings of the examination. In accordance with Civil Service Law Section 61, the County will select one of the top three available candidates on the list to fill the position.

Promotions - The County 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 applicable civil service rules 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 Veteran's Credits

Summary - An employee who is a veteran as defined by the Civil Service Law is eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the Broome County Department of Personnel for details concerning these credits.

400 EMPLOYMENT MATTERS

401 *Oath of Office*

Requirement – All employees, other than those in the labor class, are required to take an Oath of Office prior to commencing work. This Oath is administered by the Department of Personnel or designee. Elected Officials will take the Oath of Office prior to commencing the duties of the office.

Filing of Oath - The Oath of Office must be filed in the Office of the County Clerk within thirty days of commencement of employment.

402 *Procedure for Filling Vacancies*

Statement of Compliance - Broome County complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, the Public Officers Law, the County Charter and Code, General Municipal Law, Civil Service Law, Title VII, and the Americans with Disabilities Act. Broome County is an Equal Opportunity employer.

Residency Requirements – The County Legislature has designated specific position titles for which it is required that an employee holding that title must reside within Broome County at all times during the period of employment. Residency is defined as the place where the employee is legally registered to vote. The legislature has also established provisions that may waive the residency requirement under limited circumstances. Further details may be obtained from the Department of Personnel.

For other positions not so designated, the County will give preference to qualified applicants who are residents of the County when filling a vacancy.

Employment Applications - The County 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 County's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

Employment Reference Checks - To ensure that individuals who join the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants.

211 Waivers – An employee who receives a waiver under Section 211 of the New York State Retirement Law is responsible for the renewal of such waiver and must provide the Department of Personnel with a copy of the approved waiver. A waiver form may be obtained from the Department of Personnel.

403 Orientation Program

Beginning on the first day of employment, an employee will participate in an orientation program. This program is designed to familiarize the employee with various policies and procedures related to employment with Broome County. The orientation will be conducted by representatives from the Department of Personnel, the employee's assigned department, and other County departments as appropriate.

404 Probationary Period

Purpose of Probationary Period - 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 the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

Probationary Term

- Except as otherwise provided in the Broome County Rules for the Classified Service or an applicable collective bargaining agreement, every permanent appointment from an open-competitive list or promotional list, every original appointment to a position in the non-competitive, exempt or labor class, and every inter-departmental transfer shall be for a probationary term of not less than eight nor more than twenty-six weeks.
- The probationary term for training positions, in which an appointee is required to serve a specified training term, shall be not less than twelve nor more than fifty-two weeks.
- Every permanent appointment from a promotion list or interdepartmental transfer shall be for a probationary period of twelve weeks.
- The probationary term for persons receiving appointments as Corrections Officers, Security Officers, and Deputy Sheriffs shall be not less than twelve weeks nor more than fifty-two weeks.

Successful Completion of Probationary Period - An appointment shall become permanent upon the retention of the probationer after the employee's completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that the employee's probationary term is successfully completed. A copy of such notice shall be sent to the Personnel Officer.

Failure to Successfully Complete Probationary Period - If the conduct or performance of a probationer is not satisfactory, the employee may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service in the manner prescribed in the Broome County Rules for the Classified Service or an applicable collective bargaining agreement. A probationer whose services are to be terminated for unsatisfactory service shall receive a written notice at least one week prior to such termination. This means, for example, that a person whose last day on the County payroll is to be a Friday must receive written notice of the termination no later than the prior Friday.

405 **Performance Appraisal**

Except as otherwise provided by a collective bargaining agreement, the following shall be the procedure for performing employee performance appraisals.

Statement of Purpose - The purpose of a performance appraisal is to evaluate employee performance and communicate the results to the employee. 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. This evaluation should reinforce positive performance and motivate the employee to improve deficient performance. Except as otherwise governed by a collective bargaining agreement, the employee's performance appraisal may be considered as a factor in promotion and disciplinary action.

Frequency - An employee will be formally evaluated at least once each year. Evaluations are due at the end of the quarter in which the employee's step date or employment anniversary falls. Evaluations must be completed prior to the award or denial of a step increment. Employees serving a probationary period should be evaluated at least twice during that period. Informal evaluations will occur on an as needed basis throughout the performance cycle.

Process - The evaluation should be done by the supervisor most familiar with the employee's day to day performance. The Department of Personnel will provide each department with a quarterly report showing when each employee is due for evaluation. The supervisor and employee will retain copies of the evaluation, signed by all parties; the original evaluation form will be maintained in the employee's personnel file in the Department of Personnel. Step increments will not be processed without an evaluation containing all required signatures.

Evaluation Conference - The evaluator will meet with the employee to review the employee's performance appraisal report.

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

Employee Reply - An employee's written reply, if any, will be attached to the performance appraisal report.

406 **Corrective Discipline**

Policy Statement - It is the policy of Broome County that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the County, and the delivery of services to residents of the County. Any conduct that interferes with operations or that discredits the County will not be tolerated. An employee must conduct oneself in a positive manner so as to promote the best interests of the County.

Forms of Discipline – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the provisions contained therein. (Refer to Section 407 of this Employee Handbook). The disciplinary action for **union employees** will be in accordance with the applicable collective bargaining agreement. In **normal circumstances**, the County endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede formal disciplinary action. Progressive discipline may include written warnings, suspension without pay, or termination of employment, depending on the circumstances. The County does not guarantee that one type of discipline will precede another. Furthermore, the County reserves the right to suspend an employee while an investigation is conducted.

Communication - Open and candid communications with all employees is an important aspect of Broome County's on-going employee relations. When a rule, policy, or procedure is violated, the employee's Department Head, 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. After such a review, corrective action is discussed with the employee and the management involved.

Employee Communication - Employees are given the opportunity to agree or disagree with the results and write a brief rebuttal on the employee communication, if desired. However, as a condition of employment, employees are required to sign the employee communication to indicate receipt. Failure to comply with this policy could result in further disciplinary action, up to and including termination of employment. Employees receive a copy of any employee communication issued by the County.

Prohibited Conduct - Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department, or is found to have engaged in misconduct will be subject to disciplinary action in accordance with this policy, Civil Service Law Section 75, or the collective bargaining agreement, as applicable. Employees will be subject to disciplinary action for engaging in misconduct including, but not limited to, the following:

- Falsification of any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the County;
- Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other employees, Elected Officials, residents of the County; or any other person;

- Engagement in any form of discrimination or harassment, including sexual harassment;
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- Refusal to obey instructions of a Department Head or supervisor or any other form of insubordination;
- Careless or negligent use or operation of equipment, including vehicles and machinery;
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of County property or removal of County property without permission;
- Illegal gambling on County property;
- Sleeping on the job;
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- Failure to adhere to the personal appearance/dress code policy;
- Repeated violations of County policies, procedures or prohibited conduct;
- Leaving work area without permission, as defined by the Department Head or supervisor;
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes;
- Unauthorized absences or repeated failure to give proper notice;
- Possession or use of controlled substances or alcohol while on County property or in County vehicles;
- Possession of illegal or unlicensed firearms or explosives on County property or in County vehicles; or
- Acts of sabotage.

The above list is illustrative and is not intended to limit the County's right to impose discipline in other appropriate cases.

407 **Civil Service Law Section 75**

Summary – Broome County complies with New York State Civil Service Law Section 75 which 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 County.

Union Employees – Employees covered by a collective bargaining agreement are disciplined in accordance with such agreement.

Employees Not Covered by Section 75 - The following employees are not covered under Section 75:

- Any employee in the **Unclassified Service** (such as Elected Officials and members of boards and commissions);
- A **newly hired employee** serving a required probationary period who has completed the minimum probationary period, but has not been made permanent, even if the employee is a veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position by permanent appointment in the **Non-Competitive Class** who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran, as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position in the **Non-Competitive Class** designated as **confidential or policy influencing**;
- An employee holding a position by permanent appointment in the **Exempt Class**, unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, or when the employee holds the position of private secretary, cashier or deputy of any office or department ;
- An employee holding a position by permanent appointment in the **Labor Class** unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position by **provisional appointment**; and
- A **Temporary** or **Seasonal** employee (as defined by Civil Service Law).

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

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

Questioning Rights for Union Employees – During the investigation process, a union employee who is covered under Section 75 and who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice, in writing, of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Disciplinary Procedure – Except as otherwise provided by a collective bargaining agreement, 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 County 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 or by a representative of a recognized or certified employee organization 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:

- Written reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from County 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 Broome County Department of Personnel.

408 Code of Ethics

Policy Statement - Pursuant to the provisions of Section 806 of the General Municipal Law, the County Legislature of Broome County recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Code to promulgate these rules of ethical conduct for the officers and employees of Broome County. These rules shall serve as a guide for official conduct of the officers and employees of Broome County. These rules of ethical conduct shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definitions - For the purpose of Broome County's Code of Ethics, the following terms shall have the meanings indicated:

- **Interest** - A pecuniary or material benefit accruing to a municipal officer or employee or to a municipal officer or employee's spouse, minor children and dependents; or a firm, partnership or association of which such officer or employee is a member or employee; or a corporation of which such officer or employee is an officer or director; or a corporation any stock of which is accrued or controlled, directly or indirectly, by such officer or employee.
- **Municipal Officer or Employee** - An officer or employee of Broome County, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

Standards of Conduct – Every officer or employee of Broome County shall be subject to and must abide by the following standards of conduct:

- A. Gifts** - No officer or employee of the county, whether paid or unpaid, shall directly or indirectly solicit any gift or gratuity or accept any gift or gratuity having a value of seventy-five dollars (\$75.) or more, whether in the form of money, services, loan, travel, entertainment or in any other form, from any person, firm or corporation which is directly or indirectly, in any matter whatsoever, in any business or professional transaction or dealing with the county or any agency thereof; nor shall any officer or employee, whether paid or unpaid, accept or receive, in any one calendar month, more than one gift or gratuity having a value of less than seventy five dollars (\$75) from a person, firm or corporation which is directly or indirectly, in any matter whatsoever, in any business or professional transaction or dealing with the county or any agency thereof.
- B. Confidential information** – An officer or employee shall not disclose confidential information acquired by the officer or employee in the course of official duties or use such information to further personal interest.

- C. Representation before one's own agency** – An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which the individual is an officer, member or employee, or of any municipal agency over which the individual has jurisdiction or to which the individual has the power to appoint any member, officer or employee.
- D. Representation before any agency of officer's or employee's municipality** - An officer or employee shall not enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the municipality.
- E. Disclosure of interest in legislation** - To the extent that the individual knows thereof, a member of the County Legislature and any officer or employee of Broome County, whether paid or unpaid, who participates in the discussion or gives official opinion to the County Legislature or any board, agency, department or other administrative unit of Broome County shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the member of the County Legislature, officer or employee has in such legislation.
- F. Investments in conflict with official duties** - An officer or employee shall not invest or hold any investment, directly or indirectly in any financial, business, commercial, or other private transaction which creates a conflict with the officer or employee's official duties.
- G. Private employment** - An officer or employee shall not engage in, solicit, negotiate for, or promise to accept private employment, or render services for private interests, when such employment or service creates a conflict with or impairs the proper discharge of the officer or employee's official duties.
- H. Future employment** - An officer or employee may not, after the termination of service or employment with such municipality, appear before any board, agency, department or other administrative unit of Broome County in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the officer's or employee's active consideration.
- I. Use of County Property** – An officer or employee shall not directly or indirectly use or allow the use of property of any kind owned by Broome County, including property leased to the County, for other than official County business.

Suits against County – Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against Broome County or any agency thereof on behalf of the officer or employee or any member of the officer or employee's family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Annual Statement of Financial Disclosure – On or before May 15 of each year, a statement of financial disclosure covering the preceding calendar year shall be filed with the Board of Ethics by: those individuals specified within the official Broome County Code of Ethics as adopted by the County Legislature. Any such officer or employee whose duties commence after April 15 of any year shall file such statement within 30 days after commencement of duties. The form of the statement of financial disclosure shall be as specified within the official Code of Ethics.

Distribution and Posting of Code – The County Executive shall cause a copy of this Code of Ethics to be distributed to every current officer and employee of Broome County within thirty days of its enactment and to every new County officer and employee before entering upon the duties of office or employment.

Penalties for Offenses - In addition to any penalty contained in any other provision of law, any person who shall knowingly violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

409 **Personnel File**

Policy Statement - It is the policy of the County to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the County will endeavor to maintain only that personnel information necessary for the conduct of the County'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. The Department of Personnel maintains the official personnel file.

Personnel Records - The personnel records maintained by the County 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, disciplinary and grievance or dispute notices, letters of acclamation, and probationary reports.

Location of Files - All original personnel records for current employees will be kept in either the Department of Personnel or Department of Finance and will be maintained and controlled by appropriate department staff.

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 - All employee medical records will be kept in a separate file apart from the employee's personnel file in the Department of Personnel and will be maintained and controlled by department staff. ***For security purposes, these files will be locked at all times.***

Substance Testing Records - All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the Department of Personnel and will be maintained and controlled by the Director of Employee Relations. The Department of Public Transportation records are maintained in that office. ***For security purposes, these files will be locked at all times.***

Change in Status - An employee must immediately notify the employee's supervisor of a change of name, address, telephone number, marital status, number of dependents, and beneficiary designations. The supervisor is responsible for notifying the Department of Personnel regarding any such changes.

Employee Access - An employee may inspect and copy the contents of the employee's own personnel file. Requests for such inspections should be directed to the Senior Personnel Associate and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. The employee may not remove or place any material in the file without the approval of the Personnel Officer. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise.

410 Separation from Employment

Notice of Resignation – An employee who intends to resign from employment must submit a written resignation to the employee’s Department Head at least two weeks before the date of resignation is to be effective.

Notice of Retirement – An employee who intends to retire from the County must submit a written letter of intent at least thirty calendar days before the date of retirement is to be effective.

Exit Procedures – In the event of an employee separation, for any reason, the employee must complete and sign a Final Clearance Form. The employee’s Department Head will provide the form and instruct the employee on procedures that must be followed in conjunction with its completion. All County property must be returned and applicable security procedures must be followed.

Exit Interviews – Upon request, an employee will be given the opportunity to have an exit interview. The request to schedule an exit interview should be made to the Department of Personnel. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, and other appropriate matters.

Final Paycheck - Employees receive their final paycheck on the next regularly scheduled payday, pending completion of the exit paperwork by the employee’s department, and the completion and submission of a Final Clearance Form. The final paycheck includes payment for accumulated vacation benefits, if applicable. Any money due to the County from the employee (e.g. payment for a floating holiday made in advance of actually working the day) will be deducted from the final paycheck.

500 OPERATIONAL POLICIES

501 *Work Schedules*

Work Schedules - An employee's Department Head will establish the employee's work schedule, which may differ from Broome County's established hours of operation depending upon the particular needs and requirements of the department. The County Executive reserves the right to approve all departmental hours of operation in conjunction with applicable collective bargaining agreements and governing laws.

Flex-Time – In certain circumstances, a Department Head may give approval for an employee to begin and/or end a given workday at a time requested by the employee. Such "flex-time" must normally be during the time the department is open and available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The Department Head must approve all "flex-time" schedules in advance. The County Executive reserves the right to approve all "flex-time" schedules.

Union Employees – The work schedules of employees covered by a collective bargaining agreement shall be governed by the applicable collective bargaining agreement.

502 *Meal and Rest Breaks*

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

Scheduling of Meal Breaks – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

Rest Breaks - A full-time employee will normally receive a paid, duty-free rest break to be taken approximately in the middle of the first half of the employee's workday and again during the middle of the second half of the workday. In the event an employee works beyond the employee's normal workday, the employee will normally receive an additional paid, duty-free rest break to be taken approximately in the middle of each four hours of work that is not interrupted by a meal break. An employee who chooses not to take a rest break, or whose work demands on a particular day do not permit a work break, will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

Approval and Scheduling of Rest Breaks - Rest breaks must be approved by the employee's Department Head in accordance with the needs and requirements of the department. The Department Head will establish the duration and scheduling of rest breaks. Unless otherwise specified by departmental rules, all rest breaks must be taken at the work-site and may not exceed the time allowed.

Union Employees - An employee who is a member of a collective bargaining unit shall follow the provisions, if any, contained in the applicable collective bargaining agreement regarding meal and rest breaks.

503 **Emergency Situations**

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

Closing Affect on Compensation – 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, part-time, or temporary full-time employee who is directed by the authority of the County Executive to leave work due to an emergency closing will be paid for the remainder of the employee's normally scheduled workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime, unless required by a collective bargaining agreement. A temporary part-time employee who is directed to leave work due to an emergency closing will not 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 County Executive will initiate notification to all affected employees. A full-time, part-time or temporary full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normally scheduled workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime, unless required by a collective bargaining agreement. A temporary part-time employee who is directed not to report to work will not 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.

Use of Accrued Leave Time – In the event an employee elects, with the approval of the Department Head, to be absent from work due to inclement weather or other emergency when County operations have not been officially closed, the employee must use accrued vacation leave or compensatory time to cover the absence, or if no such leave is available, take leave without pay. Or, if approved by the Department Head, the employee may choose to make up the time at a later date.

504 **Time Records**

Policy Statement - All FLSA non-exempt employees are required to complete an individual time record showing the daily hours worked. Certain employees may be required to punch a time card. An FLSA exempt employee is not required to record daily attendance but must account for authorized paid leave taken by completing a time record indicating such.

Procedures - An employee required to complete a time record or punch a time card must comply with the following procedures:

- Time records must be completed by the close of each workday;
- All time worked must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete and sign their own time record or punch their own time card,
- The time record must be verified and signed or initialed by the employee's supervisor;
- The time record is then submitted to the department representative responsible for processing payroll at the time specified;

Correction of Errors - An employee must immediately bring errors in time records to the attention of the employee's Department Head or supervisor, who will investigate the matter and make and initial the correction once the error has been verified. Changes are also to be initialed by the employee.

Unauthorized "Flex-Time" - Unless prior approval has been obtained from the Department Head or supervisor, arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performed no pre-approved authorized duties for the County during such intervals.

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 Department Head or supervisor may complete the time record on behalf of the employee.

505 Bonding

Insurance - The County will provide a bond for an employee who is required to act in a fiduciary capacity.

506 Expense Reimbursement

Policy Statement - Upon proper authorization an employee or Elected Official will be reimbursed for reasonable and actual expenses associated with carrying out County business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A voucher, along with corresponding receipts and all documentation specified by Audit and Control requirements, must be submitted to the appropriate Department Head in order for the reimbursement to be processed.

Mileage - Department Heads may authorize the use of a personal vehicle if a County vehicle is not available. An employee who is authorized by the appropriate Department Head or designee to use the employee's own vehicle to conduct County business will be reimbursed at the mileage rate established by the County Legislature or the applicable collective bargaining agreement, as the case may be. Prior to reimbursement, the employee must submit documentation specified by Audit and Control to the Department Head or designee in order for reimbursement to be processed. If a County vehicle is available and the employee chooses to use the employee's own vehicle, the employee will not receive mileage reimbursement.

Employee Financial Responsibility – The County will not make payment for items lost or damaged as a result of carelessness or negligence on the part of an employee, or for claims not supported by receipts. The policy of the County is that these costs should be borne by the employee who incurred them. Examples of this may include, but are not limited to, the following:

- Charges for gas not accompanied by receipt;
- Charges for parking not accompanied by receipt;
- Charges for tolls not accompanied by receipt;
- Charges for lost or damaged items of equipment, such as cell phones, personal digital assistants, pagers, etc.

507 **Vehicle Usage**

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

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

- County vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head or designated representative to which it is assigned. The Department of Public Works is responsible for maintenance, coordination, and oversight for the fleet.
- County vehicles must be assigned to specific County officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-County related business;
- County 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 County vehicles, and must report them to the their Department Head.
- In the event of an accident, regardless of severity, an accident report must be filed in accordance with the procedures established within the County Safety Policy and Procedures Manual;
- County vehicles may not be used to transport persons who are not officials or employees of Broome County, nor material not related to the conduct of official County business, without direct authorization by the appropriate Department Head or the County Legislature;
- County 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 Department Head or designated representative;
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on County vehicles at any time, except those of a limited community service nature which have been authorized by the County Legislature;
- Department Heads may authorize the use of a personal vehicle if a County vehicle is not available. If a County vehicle is available and the employee chooses to use the employee's own vehicle, the employee will not receive mileage reimbursement.
- Non-county employees are never authorized to operate a County vehicle, absent an emergency.

508 *Driver's License*

Requirement - An employee who is required to drive either a County-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the County, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. The County reserves the right to verify, at any time, that any employee driving on County business possesses a valid driver's license.

Commercial Drivers - An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the County within thirty 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 Department Head 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 County.

Motor Vehicle Loss Prevention Policy – Further provisions that apply to employees who drive either a County-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the County are detailed within the Broome County Safety Policy and Procedures Manual.

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

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

Tools and Equipment - The employee must repair or replace any County-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. This includes, but is not limited to, cell phones, personal digital assistants, and pagers. An employee may not use any County-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 County facilities, County-owned tools or equipment to work on vehicles or trailers not owned by the County.

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

510 Telephone / Cell Phone Usage

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

- An employee must answer promptly and speak in a clear, friendly and courteous tone;
- An employee must give the name of the department or office and one's own name. 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, the Department Head 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;
- Collect calls may not be accepted without the approval of the Department Head or supervisor;
- An employee may not make or receive personal telephone or cell phone calls during work hours, except in an emergency or to check briefly on family matters;
- An employee may not make or receive personal calls on a County provided telephone or cell phone that will result in additional charges to the County, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the County for the cost of the call.

511 Automated Information Systems User Policy

Purpose – This section documents the established uniform policies and responsibilities for users of the Broome County Automated Information Systems (voice and data network, including Internet access, e-mail and voice mail). It promotes the mission of Broome County and provides guidance to protect Broome County AIS resources and to assure adequate security for all information collected, processed, transmitted, stored, or disseminated in its general support systems and major applications. Additional detailed and specific procedural guidelines, particular to Broome County needs and requirements will be issued in the future, as appropriate.

Use of the Broome County Automated Information Systems (AIS), including but not limited to the Internet and the County network, e-mail and voice mail system, is governed by all existing laws, regulations, official County policies and collective bargaining agreements. This policy supplements, but does not replace, any laws, regulations, policies and/or collective bargaining agreement(s) or mandates regarding acceptable workplace behavior.

Scope – Policy provisions apply to all Broome County personnel, contractors acting for Broome County, and all authorized users who access Broome County, networks, and support facilities. "Access" includes users who connect remotely via dial-up, Internet, or any other form of connectivity. Policy provisions also apply to non-Broome County organizations, or their representatives, who are granted access to Broome County AIS resources, including other government agencies and members of the trade community.

Point of Contact - Questions concerning this policy can be addressed to the following:

- Director, Broome County, Division of Information Technology, or
- The AIS Security Officer: Network Specialist, Broome County, Division of Information Technology

General Policy Statement –

- A Broome County AIS is any automated information or telecommunications system owned, leased, or operated by or for Broome County.
- Broome County will implement at least the minimum security requirements as identified in this policy, to protect AIS resources and information (non-sensitive and sensitive data) processed, stored, or transmitted by the Broome County AIS. Based on risk management, they may apply additional safeguards to provide the most restrictive set of controls (privileges) that permit the performance of authorized tasks (principle of least-privilege).
- Sensitive information in Broome County must be safeguarded against unauthorized disclosure, modification, access, use, destruction, or delay in service.

- Connectivity is prohibited between Broome County, which handles sensitive data and any other systems or networks not under Broome County authority, unless formally approved by the Director, Broome County Information Technology and/or the Telecommunications Manager, as appropriate.
- Automated Information Systems (AIS) are for official Broome County business only and users have no expectation of privacy while using these resources. Activity of any employee using Broome County AIS resources may be monitored and recorded. Any data stored on a Broome County AIS is considered the property of Broome County, and may be subject to disclosure pursuant to the New York State Freedom of Information Law.
- All persons who use, manage, operate, maintain, or develop Broome County, applications, or data must comply with these policies.

User Responsibilities –

- Protect access IDs, authentication codes (e.g., passwords, personal identification numbers [PIN], encryption codes, etc.) from improper disclosure. Each employee is responsible for all transactions made using his or her password, and for safeguarding his or her password. Logged in workstations shall not be left unattended. Passwords may not be the same as the employee's user ID.
- Access only authorized AIS applications and data necessary to perform approved responsibilities. Due to technical capability of some AIS, access might exceed authority. Access capability however, does not equate to authority (e.g., casual browsing of data is not permitted).
- Notify supervisor and AIS Security Officer when AIS access or authority is no longer required for their authorized tasks.

Official Use – Use of the Internet, e-mail and voice mail must be in the interest of Broome County. Such use should be appropriate in its frequency and duration and related to an employee's assigned duties.

Broome County personnel are responsible for ensuring the safe, effective, efficient, and legal use of all government resources. As such, Broome County personnel must:

- Exercise the highest standards of professional conduct and responsible behavior with the information they obtain from or make available to the Internet.
- Assume that anyone in the world can access the Internet and therefore, take all necessary steps to preclude the unauthorized disclosure of information.

Non-official Use – Broome County personnel are authorized to use AIS equipment to access the Internet, e-mail and voice mail for personal purposes if the usage is approved by their Supervisors.

Employees should control the frequency and duration of non-official usage to preclude any appearance of impropriety and unnecessary costs to Broome County; in addition, incidental usage should occur on such personal time as breaks, lunch periods, and after-duty hours.

Prohibited Use – Any action which violates any U.S., State, or local law, rule, or regulation, or any County or departmental policy is prohibited. It is incumbent upon supervisors to ensure employees are aware that Internet, e-mail and voice mail usage can be monitored and leaves a clear audit trail.

The following practices are examples of prohibited activity:

- Using the AIS to harass or discriminate, or in any way that violates any law or County policy against harassment or discrimination. Examples of harassing or discriminatory content includes derogatory or inflammatory remarks about an individual's race, color, age, disability, religion, national origin, or sexual orientation.
- Misrepresenting or attempting to hide your identity.
- Representing personal opinion as official Broome County policy. Remember that your e-mail address identifies you as a Broome County employee.
- Violating licensing or copyright restrictions.
- Engaging in chain letters.
- Downloading commercial software or share-ware without prior approval of the Director.
- Using Internet chat software (e.g. AOL Instant Messenger, Yahoo Instant Messenger) without the express permission of the Director.

Violation of this Policy – Those who do not adhere to the provisions of this policy may be subject to disciplinary action in accordance with existing disciplinary policy, civil service law, and collective bargaining agreement. Additionally, a user access to AIS resources may be curtailed or discontinued. Any criminal activity will be prosecuted to the full extent of the law.

512 Personal Appearance

Policy Statement - It is the policy of the County 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 County. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear suggestive attire, athletic clothing, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance.

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

Uniforms – Certain non-union employees are required to wear uniforms. Such employees should consult with their supervisor for further details regarding uniform requirements. Union employees may be required to wear a uniform as provided in a collective bargaining agreement and must comply with all requirements.

513 Solicitations/Distributions

Policy Statement - It is the policy of the County to prohibit solicitation and distribution on its premises by nonemployees 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 business hours without approval from the appropriate Department Head.

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

514 Visitors

Policy Statement – It is the policy of the County 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 County operations or interrupt other employees who are still working. It is not appropriate for employees to bring their children to work during their work shift.

515 Purchasing

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

516 Maintenance of Work Area

Policy Statement – It is the policy of the County 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 Department Head;
- Abide by the smoking restrictions established by County policy and outlined in this Employee Handbook;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

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

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- Abide by and enforce the County's smoking policy;
- Ensure the proper disposal of all trash and waste.

517 Personal Property

Policy Statement - It is the policy of the County to require each employee to refrain from bringing unnecessary or inappropriate personal property to work. The County 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. Except as otherwise provided by a collective bargaining agreement, the County 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 remain the sole property of the County. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, with or without notice. The inspection may be made in the presence of the employee. The County is not responsible for loss or damage to personal property placed in such storage devices.

518 County Property

Employee Responsibility - An employee will be responsible for any items issued by the County which are in the employee's possession and/or control, such as, but not limited to the following:

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Books or other Reference Materials, including this Employee Handbook
- Pagers / Cell phones / Personal Digital Assistants (PDAs) / Laptop computers

Return of Property - Except as otherwise provided by a collective bargaining agreement, all County property must be returned to the County 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 County during the employee's tour of duty, or claim that County work was done when such is not the case.

520 **Outside Employment**

Policy Statement – In accordance with the Broome County Charter, Section 2610, it is the policy of the County 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 County.

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

- No officer or employee of the County shall accept employment or engage in any business or professional activity with any other governmental unit, including elective office, unless prior written consent is given by a three-person Board, consisting of the County Executive, the Chairman of the County Legislature and the Personnel Officer. Such consent must be filed with the Clerk of the County Legislature. Prior to granting a consent, the Board must make a finding that the requested employment or engagement in business or professional activity does not conflict with the officer's or employee's duties to Broome County.
- An employee will be judged by the same performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements;
- If the County determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the County 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 County;
- No County equipment, supplies, or other material may be used by an employee on other than County work for monetary gain;
- 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 County for materials produced or services rendered while performing the employee's County job;
- A County 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 County while performing such work.

Employee Responsibility - A County employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions may be directed to the employee's Department Head or the Department of Personnel.

Union Employees – In addition to the above guidelines, an employee who is a member of a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the collective bargaining agreement or rules of the department to which the employee is assigned.

600 ABSENCE POLICIES

601 Attendance

Except as otherwise provided by a collective bargaining agreement, the following procedures shall apply regarding absence from work:

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 Department Head or supervisor prior to the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the Department Head or supervisor.

Daily Notification - In the event an employee is unable to report to work, the employee must notify the employee's Department Head or 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 - An employee should schedule personal appointments either before or after the employee's scheduled workday or on scheduled days off whenever possible. Requests for scheduled time off must be submitted to the employee's Department Head or supervisor in advance. The reason for the absence must be indicated. All requests for time off are subject to approval by the employee's Department Head or supervisor on a case-by-case basis.

Unscheduled Absences - An employee who is unable to report to work must personally contact the employee's Department Head or supervisor prior to the employee's scheduled starting time. The employee must speak directly with the Department Head or 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. Unless otherwise authorized, 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 Department Head or supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head or 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 notify the employee's Department Head or supervisor prior to leaving.

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

Documentation of Absences - An employee who has frequent absences may be required to provide documentation of the reason for any future absences.

602 Jury Duty or Court Appearance Leave

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding jury duty:

Jury Leave - In the event an employee is required to perform jury duty on a day the employee is scheduled to work, the employee will be paid for the hours the employee was scheduled to work. 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 County is paying the employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty. In addition, any employee will also be excused from work, with pay, if the employee is required by subpoena to appear in court, provided the employee is not a party to the proceeding. If the employee is a party to the proceeding, the employee must use accumulated vacation leave to account for the absence. Should the employee not have vacation leave available, the absence will be without pay.

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 Department Head.

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, unless excused by the employee's Department Head.

Accrual of Benefits - The County 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 effect an employee's entitlement to leave needed for military service under federal statute. Broome County 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 County will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State Law, the employee may keep all pay received for military service.

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

604 Education and Personal Leave

Policy – A request for a leave of absence for educational or personal reasons must be filed for any absence over three working days, not covered by paid time.

Employee Responsibilities – If an employee is requesting a leave without pay a Leave of Absence Request (Form #409) must be completed and submitted to the Department Head. This request may be made for an educational or personal reason. Each request should be for no more than three months with total leave time not to exceed one year. An education course approval must accompany an educational leave request.

Department Head Responsibilities – It is the discretion of the Department Head to approve or disapprove an employee's leave request. The Department Head must then submit an approved or disapproved request accompanied by supporting documentation to the Department of Personnel.

Department of Personnel Responsibilities – The Department of Personnel will approve or disapprove the leave and forward to the Personnel Committee of the County Legislature as appropriate. The Department of Personnel will generate a letter to the employee regarding continuation or discontinuation of health insurance, life insurance, retirement, disability insurance, and the cost to the employee while not on payroll.

Suspension of Benefits – An employee who is on an unpaid leave of absence for educational or personal reasons will not accrue vacation or sick leave. In addition, during such unpaid leave, the employee must pay the full cost of the health insurance premium for coverage provided by the County. Life insurance coverage is suspended for the duration of the unpaid leave.

Extension of Leave – When an employee requests an extension of a leave, the above application procedure must be repeated.

Early Return - An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is requesting to return. It is the discretion of the Department Head to approve or disapprove such request. The Department Head shall in turn notify the Department of Personnel.

605 **Family and Medical Leave Policy**

Statement of Compliance - Broome County complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

Summary - FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is a rolling period measured backward from the date an employee uses any FMLA leave. At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave.

Eligibility - To be eligible for an unpaid leave under FMLA, an employee must meet the following requirements:

- The employee must have worked for the County for at least twelve months before the leave request;
- The employee must have worked for the County for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.
- Spouses who both work for Broome County 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 parent, during any twelve month period.

Types of Unpaid FMLA Leave - An eligible employee will receive an unpaid leave under the following circumstances:

- Inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition;
- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child; or
- To care for the employee's spouse, child, or parent who has a serious health condition.

Definitions – The following terms are fully defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825. For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - * A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - * A period of incapacity due to pregnancy or prenatal care;
 - * A period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.

- **Family Member** will mean and refer to:
 - * **Spouse** - husband or wife as defined or recognized under State law for purpose of marriage;
 - * **Parent** - biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined in 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 (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements – If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee and Department Head must complete the Leave of Absence Request Form and forward the completed form to the Department of Personnel for review. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

Medical Certification – The employee must submit a completed Employee Medical Leave Certification Form which supports the need for a leave under this policy. At the Department Head's option, the Department of Labor Form 381 may be substituted for the Employee Medical Leave Certification Form. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. The Employee Medical Leave Certification Form is available from the Department of Personnel. 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.

Broome County reserves the right to request a second opinion by another health care provider. The County will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the County may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the County 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 be taken 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.

Status Reports - The employee must periodically update the appropriate Department Head as to the employee's status and intent to return to work.

Employment Restrictions During Leave of Absence - While on an approved unpaid leave, the employee may not be employed during the same hours that the employee was normally scheduled to work for Broome County.

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

- **Use of Accrued Paid Leave Credits for Child Birth** - An employee taking leave for the birth of a child must first use all sick leave credits before being granted an unpaid leave during the period of disability before and after child birth. The employee is also eligible for unpaid childcare leave. The maximum amount of mandatory disability related leave and childcare leave is twelve weeks. The substitution of paid leave for unpaid FMLA leave does not extend the twelve-week period.
- **Use of Accrued Paid Leave Credits for Adoption or Foster Placement of a Child** - An employee taking leave for the adoption or foster placement of a child 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 FMLA leave does not extend the twelve-week period.
- **Use of Accrued Paid Leave Credits for the Care of a Spouse, Child, or Parent with a Serious Health Condition** - An employee taking leave to care for a spouse, child or parent with a serious health condition must first use all sick leave credits which will be included in the maximum twelve weeks of leave. The substitution of paid leave for unpaid FMLA leave does not extend the twelve-week period.
- **Use of Accrued Paid Leave Credits for an Employee with a Serious Health Condition** - For leaves taken due to the employee's own serious health condition, the employee must first use all sick leave credits, which will be included in the maximum twelve-week period. In the event that the employee continues to suffer from a serious health condition, the employee may use paid leave credits or unpaid leave to extend the leave of absence beyond the FMLA twelve-week period, up to a maximum of one year. If, after the completion of the one-year leave of absence (which shall include both paid and unpaid time), the employee is medically unable to return to work (as determined by a health care provider) the employee may be removed from the payroll in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Broome County Rules for the Classified Service*.
- **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 compensatory time, 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 paid or unpaid leave of absence, an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, the County 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 family member, which would otherwise entitle the employee to leave under the FMLA, 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.

Workers' Compensation - Leaves taken under the Workers' Compensation Law may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the County designates such leave as FMLA leave. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits, the County cannot require the employee to substitute paid leave credits during this period of leave and the employee is prohibited from electing to use paid leave credits during such leave. If the workers' compensation leave has been properly designated as FMLA leave by the County, it can be counted against the employee's FMLA leave.

In addition to leave provided under the Family and Medical Leave Act, 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. Employees should consult with their Department Head for further details regarding this provision.

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 authorized leave of absences 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 *Broome County Rules for the Classified Service*.
- **Medical Statement** - Before resuming employment, an employee may be required to 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, or the employee may be required to be examined by a physician selected by the County. 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 Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the Department of Personnel.
- **Extension of Unpaid Leave of Absence** - An employee who wants an extension of the leave originally requested must submit a Request for Leave of Absence form and all supporting documentation to the employee's Department Head at least two business days from the date the change occurred which necessitates the change in leave time.

700 COMPENSATION

701 *Wage and Salary*

Rate of Pay – An employee’s rate of pay will be approved by the County Legislature. Salary schedules are published annually and may be periodically reviewed and adjusted as necessary.

Union Employees - An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement regarding rate of pay.

702 *Overtime and Compensatory Time*

Authorization - A Department Head may require an employee to work additional hours beyond the employee’s normal workday and workweek. An employee must receive prior approval from the employee’s Department Head or supervisor before working additional hours. An employee is not entitled to overtime pay or compensatory time for additional hours worked without proper authorization.

Union Employees - An employee who is a member of a collective bargaining unit shall receive overtime compensation in accordance with the provisions of the FLSA (if applicable) and is also subject to the overtime provision of the applicable collective bargaining agreement.

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

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

Effect of Paid Leave on Overtime – Paid leave will not be included as time worked for the purpose of computing overtime. This includes vacation leave, sick leave, holidays, bereavement leave, jury duty leave, military leave, and any other paid leave of absence.

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

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

703 **Pay Period and Check Distribution**

Payroll Period –Employees are paid on a bi-weekly basis. An employee’s paycheck will be based on the amount earned during the preceding payroll period.

Payday / Check Distribution Policy - Paychecks will normally be issued on a Friday, however, the following procedures will apply as appropriate:

- Daytime or first shift employees who are normally scheduled to work on Fridays, will receive their paychecks on Friday with the following exceptions:
 - When the Friday pay date falls on a holiday the paychecks will be distributed on Thursday.
 - In conjunction with an authorized leave, an employee may request to receive their paycheck prior to the regular payday. A Request for Early Paycheck Form must be completed by the employee and approved by the Department Head or supervisor and sent directly to the Payroll unit of Finance if the department is located in the Edwin L. Crawford County Office Building. If the department is located elsewhere the form is sent to the departmental payroll contact. Requests must be received at the payroll unit by 12:00 noon on the Wednesday preceding payday.
- First shift employees who are not normally scheduled to work on Fridays, will receive their paycheck no earlier than 3:00 p.m. on Thursday prior to payday.
- Requests are approved by the Finance Office for departmental payroll contacts to receive payroll checks prior to 3:00 p.m. on Thursday of pay week for the sole purpose of sorting and inclusion of information literature. In no case will a paycheck be distributed to the payee prior to 3:00 p.m. on Thursday unless the occasion of both a Thursday and Friday holiday occurs.
- Checks released to departments must be adequately safeguarded to prevent loss or theft.
- Abuse of this policy by any individual or department will result in suspension of early distribution privileges.
- The Department Head or designee will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the employee’s department. A copy of the authorization is to be forwarded to the Finance Department.

Early Check Release – In the event that an employee will not be at their normal workplace on payday, the employee may request the early release of the employee’s paycheck. The authorization form for such a request must be completed, signed by the employee’s Department Head, and submitted to the Finance Department by the Wednesday prior to payday at noon. Checks to be released early are available no sooner than 3:00 p.m. on Thursday of the pay week.

Direct Deposit - The County provides a direct deposit option for employees. If elected, the paycheck (or a portion thereof) will be deposited directly into the employee’s account at the designated financial institution. A list of designated financial institutions is available from the Finance Department. The employee must submit a signed, written authorization to the Finance Department for direct deposit. The authorization form will be provided to the employee as part of the orientation process, or may be obtained from the Finance Department.

704 Payroll Corrections

Policy – It is the policy of the County to correct payroll errors as soon as practical in a consistent and fair manner.

Procedure – The following procedures will apply with regard to payroll corrections:

Errors in the County's Favor –

- Errors in excess of \$50.00 as a result of the County's omission or negligence will be corrected by payroll advance.
- Errors in excess of \$50.00 as a result of the employee's negligence will be corrected in the succeeding payroll.
- Errors less than \$50.00 will be corrected in the succeeding payroll.
- Lost paychecks will require completion of an affidavit with the employee stating that the employee does not have possession of the check, nor will the employee attempt to cash the instrument if found. The affidavit will be signed by the employee, witnessed by the employee's supervisor and submitted to the Commissioner of Finance.

Errors in the Employee's Favor –

- All errors in the employee's favor will require the employee to repay the County.
- If in excess of \$50.00, repayment shall be collected over the same timeframe that the error occurred, unless other arrangements are made to repay in a more expedient manner. Repayment will take no more than one year, unless the employee was not paid continuously throughout the year.
- If less than \$50.00, repayment shall be made in the next paycheck, except in extenuating circumstances where alternative repayment arrangements are made and approved by the Personnel Officer and the Commissioner of Finance.

Direct Deposit –

- Overpayments in excess of \$50.00 which result in direct deposit of an employee's net pay will be reversed electronically through the Automated Clearing House (ACH) System, or, if it is more expedient, repaid to the Commissioner of Finance by personal check for the full amount of the overpayment.
- Corrective checks will be issued promptly upon verification of the return of the overpayment to the originating bank account. Employees seeking exception to this rule are required to complete and submit a signed affidavit that the employee will not withdraw the funds from their account when electronically posted.

Retroactive Activity –

- All payroll errors will be corrected retroactive to one year from the date the error is discovered.

705 Payroll Deductions

Statutory Deductions - The required portion of an employee's pay for federal and state taxes (as directed on the employee's withholding certificates), and any other deduction required by law, will be deducted from the employee's paycheck. Such deductions will be noted on the employee's pay stub.

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

706 Deferred Compensation Plan

Summary - Broome County has established an IRS qualified non-contributory Deferred Compensation Plan. Any County employee may elect to participate in the plan subject to applicable laws and plan rules. Plan participants elect to have a portion of their earnings deferred into an investment vehicle of the employee's choosing. Upon separation from service, reaching the limiting age or retirement an employee who has elected to participate in the deferred compensation plan must notify the Plan Administrator of same. The Plan Administrator will advise the employee of the available options for rollover or pay-out of any fund value.

The amount that the employee elects to re-direct into the employee's deferred compensation account is not subject to federal or state taxation until such time that the employee makes an election to withdraw or receive funds from their account.

All risks associated with the investment account selected by the employee are borne solely by the employee. Although the intent of deferred compensation plans is to even out a person's lifetime income tax burden, Broome County makes no guarantee or warrantee whatsoever that any money so deferred will accrue or hold its value. A description of the plan may be obtained from the deferred compensation plan representative.

800 EMPLOYEE BENEFITS

801 *Holiday, Vacation and Sick Leave Benefits*

Summary – Broome County provides paid holiday, vacation, and sick leave benefits for eligible employees based upon a variety of factors, including employee classification and length of service. Information regarding these benefits, including eligibility requirements, is available apart from this Employee Handbook. Please refer to the appropriate document (available from the Department of Personnel) for further details:

EMPLOYEE CLASSIFICATION:	REFER TO:
Administrative	Personnel Rules for Administrative Personnel
Temporary Full-Time (1600 Budget Line)	Executive Order 1-2002
Part-Time (Non-union, less than half time)	Not eligible for paid leave benefits
Temporary Part-Time (1600 Budget Line)	Not eligible for paid leave benefits
Union Employees	The applicable Collective Bargaining Agreement

802 *Health Insurance Benefits*

Summary - Broome County provides health insurance benefits for eligible employees based upon a variety of factors, including employee classification and length of service. Information regarding these benefits, including eligibility requirements, is available apart from this Employee Handbook. The plan documents or specific government regulation provide a full description of the specific benefit. Please refer to the appropriate document(s) (available from the Department of Personnel) for further details:

EMPLOYEE CLASSIFICATION:	REFER TO:
Administrative	Personnel Rules for Administrative Personnel
Temporary Full-Time (1600 Budget Line)	Executive Order 1-2002
Part-Time (Non-union, less than half time)	Not eligible for health insurance benefits
Temporary Part-Time (1600 Budget Line)	Not eligible for health insurance benefits
Union Employees	The applicable Collective Bargaining Agreement

Elected Officials – An Elected Official is eligible for inclusion in the County health insurance program upon commencement of office. The County will pay a percentage, as determined and specified by the County Legislature, of the premium for individual or family health insurance coverage.

Plan Documents - Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or County policy. The County Legislature is responsible for compliance with all applicable laws and regulations. The County Legislature may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures. A description of each of the plans may be obtained from the Department of Personnel.

Changes in Benefits – Any benefit offered by the County to non-union employees or Elected Officials is subject to change by resolution of the County Legislature. Changes in benefits for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

Waiver of Benefits - An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form. Broome County does not pay any incentive to any employee who elects not to participate.

Enrollment Information - The Department of Personnel 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 are notified of the changes to their County benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Department of Personnel in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address. Failure to notify the Department of Personnel could result in a delay in appropriate health insurance coverage.

803 Health Insurance for Retirees

Applicability – The Health Insurance for Retirees benefit applies to all retirees who meet the eligibility requirements set forth below. The County Legislature may, at its discretion, change the Health Insurance for Retirees plan at any time, including, but not limited to, eligibility, type of coverage, retiree contributions, and type of carrier.

Coverage - The County will make available health insurance coverage to an eligible employee or Elected Official who retires from the County. Coverage is also available for eligible dependents if they were covered under the County's health insurance plan at the employee's date of retirement.

Eligibility - To be eligible for coverage, the retiree must have at least ten years of full-time equivalent service with the County, and must have at least two years of qualified participation in the County health insurance plan. In addition, the employee or Elected Official must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System.

Plan – Full details regarding the health insurance plan provided to a retired employee or Elected Official may be obtained from the Department of Personnel.

804 Flexible Benefit Plan

Eligibility – An Elected Official, a full-time employee, a temporary full-time employee, or a part-time employee who works at least a half-time schedule is eligible to participate in this plan. A part-time employee who works less than a half-time schedule or a temporary part-time employee may not participate in this plan.

Pre-Tax Insurance Premiums - The employee portion of the health insurance premiums is paid with pre-tax dollars. This reduces the employee's taxable income and increases net take home pay. The employee does have the option to have the premiums paid with post-tax dollars, if desired.

Flexible Spending Accounts - An employee may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a medical and/or dependent care flexible spending account (FSA). Money set aside in an employee's medical savings account may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s). Money set aside in an employee's dependent care savings account may be used to cover eligible day care and nursery school expenses for covered dependents. To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred must be submitted to the Claims Administrator. Further details regarding this plan, including claim forms, may be obtained from the Department of Personnel.

805 Continuation of Health Insurance Benefits (COBRA)

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

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

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-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 (or elected official’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-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 or elected official;
 - * Divorce or legal separation from a covered employee or elected official;
 - * A covered dependent child’s loss of eligibility to participate in the insurance plan due to the covered employee or elected official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five; or
 - * A covered dependent ceases to be a "dependent child" under the health insurance plan.

Limitations - In the event an employee or elected official becomes covered by Medicare, but no loss of coverage results for the employee or elected official 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 or elected official must notify the County 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 County will not be responsible for any loss of coverage resulting from failure by the employee or elected official to give notification of such an event.

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

806 Workers' Compensation Benefits

Coverage - The County 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 statutes, regulations, caselaw, and Workers' Compensation Board decisions.

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

Reporting of Injury - The employee must report any accidental injury arising out of and in the course of employment to the employee's supervisor immediately after the occurrence of the injury. The supervisor will provide the employee with the Broome County "injury packet" for completion. The employee submits the completed packet to the departmental Workers' Compensation designee, who will forward the packet to the Office of Risk & Insurance Management.

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 County will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

807 Unemployment Benefits

Coverage – Eligibility for unemployment benefits is in accordance with New York State Labor Law.

808 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 County.

809 The New York State Employees' Retirement System

Summary - The County 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. For mandatory membership purposes, employment is considered full-time unless:

- The employee works less than thirty hours per week; 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 Department of Personnel. If the employee elects to join the retirement System, the employee must complete the application form and return it to the Department of Personnel.

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.

810 Tuition Reimbursement Program

Summary – The County encourages participation of employees in continuing education courses designed to improve job skills and productivity.

Eligibility – A full-time employee or a part-time employee who works at least a half-time schedule is eligible to participate in this plan. A part-time employee who works less than a half-time schedule, a temporary full-time employee, or a temporary part-time employee may not participate in this plan.

Eligible Expenses – The Department of Personnel will authorize reimbursement, to the extent that funds are available, of up to 100% of the tuition cost for college credit courses that are directly job related, and that are offered at times other than during the employee's normal work hours. The level of reimbursement will be based on the amount of funds available and the relationship of coursework to the employee's employment with Broome County. That is, a higher level of reimbursement will be awarded to courses that will directly effect the employee's current job or career development within the County. Less reimbursement will be made for courses of a more general nature. Reimbursement shall be limited to no more than \$300 per employee per semester. No employee shall receive more than \$900 per calendar year. The employee must pay all additional costs.

Procedures – Reimbursement requests must be submitted on the Tuition Reimbursement Request Form (available from the Department of Personnel) and approved by the employee's Department Head or other authorized official. The request must then be forwarded to the Department of Personnel for review and approval by the dates established below:

April 1	Spring Semester Course
August 1	Summer Semester Course
December 1	Fall Semester Course

Reimbursement will be made upon submission of proof of tuition payment and achievement of a grade of "C" or better.

811 Employee Assistance Program

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

Eligibility – All Elected Officials and all employees, regardless of their full- or part-time status, are eligible to participate in this program.

How to Access the Program - An Elected Official or employee may either contact the Department of Personnel or the Employee Assistance Program for further information.

900 COMPLIANCE POLICIES

901 *The Americans with Disabilities Act*

Policy Statement – It is the policy of Broome County 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. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Reasonable Accommodation - Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the County and/or operations of a program.

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. Broome County 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 employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Equal Employment Opportunity Compliance Officer. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination 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 County use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of a 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 County administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

902 Equal Employment Opportunity

Policy Statement - Broome County is an Equal Opportunity Employer. The County does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, marital status, military status, genetic predisposition or carrier status, or sexual orientation. 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. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Notification of Policy Violations - An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Equal Employment Opportunity Compliance Officer. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Application of Policy – This policy is for County 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 County administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

903 **Sexual Harassment**

Policy Statement – It is the policy of Broome County to promote a productive work environment. As with discrimination involving race, color, national origin, religion, disability, age, marital status, or military status, Broome County prohibits sex discrimination, including sexual harassment of its employees in any form. No form of sexual harassment will be tolerated. The County will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

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

Supervisory Responsibility - Department Heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.

Definition of Sexual Harassment - Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

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

Forms of Sexual Harassment - Specific forms of behavior that Broome County considers sexual harassment and which are prohibited include, but are not limited to, the following:

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

Reporting of Sexual Harassment - Employees are encouraged to report incidents of sexual harassment to their immediate supervisor as soon as possible after the occurrence. If the employee's immediate supervisor is believed to be involved in the incident, the report should be made directly to the employee's Department Head. If the employee's Department Head is believed to be involved in the incident, the report should be made directly to the Equal Employment Opportunity Compliance Officer. Employees who believe they have been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact the Equal Employment Opportunity Compliance Officer. Employees who work second and third shifts are encouraged to contact their supervisor, Department Head or the Equal Employment Opportunity Compliance Officer at home if these individuals do not work during the employee's shift.

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

Investigation of Complaint – Generally, investigation of a complaint will be conducted by the complainant's Department Head or immediate supervisor and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. In those instances when a Department Head or supervisor requests or requires assistance, or when the Department Head or supervisor is named in the complaint or involved in the incident, the Equal Employment Opportunity Compliance Officer will conduct the investigation.

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

Disciplinary Action - Any employee or official who is found to have committed an act of sexual harassment will be subject to disciplinary action, up to and including termination of employment, as provided by County procedures.

Prohibition Against Retaliation - Intimidation, coercion, threats, reprisal or discrimination against any employee who in good faith brings a written or verbal sexual harassment complaint or who assists or aids in the investigation of such a complaint is prohibited. Any employee who participates in the procedure may do so without fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

904 Drug and Alcohol Free Workplace

Statement of Compliance - The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the County 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 County hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

Policy Statement - It is the policy of Broome County that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or an illegal controlled substance as defined in the Federal Act, is prohibited on the job or at the workplace.

Implementation of Policy – This policy will be distributed to all employees and officials of the County.

Sanctions - The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol is strictly prohibited in all workplaces and work-sites. 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 disciplinary penalties, up to and including dismissal from employment, and, if applicable, appropriate criminal and civil actions.

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

County Responsibilities - The County 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 County 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 and Alcohol Free Awareness Program – It is the policy of Broome County to maintain a drug and alcohol free workplace. In accordance with that policy, the County is providing the following drug and alcohol free awareness information to raise employee awareness of the dangers associated with the drug and alcohol abuse in the workplace.

Dangers of Drug and Alcohol Abuse in the Workplace - Employees with chemical dependence problems have a major negative impact on productivity, staff moral, and labor/management relations. Their hidden illness is responsible for:

A. 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

B. 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

C. 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

D. Damaged Relationships

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

905 *Controlled Substance and Alcohol Testing*

Statement of Compliance - The County has adopted Controlled Substance and Alcohol Testing Policies that are in compliance with the regulations of the United States Department of Transportation. The purpose of the policies 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 *Drug and Alcohol Testing Policy for Employees of the Department of Public Transportation* applies to all covered employees (as defined by federal regulations) of the Broome County Department of Public Transportation. This includes all employees who drive a commercial motor vehicle requiring a commercial driver's license to operate. The County also has a *Drug and Alcohol Testing Policy* which applies to all covered employees (as defined by federal regulations) of the Broome County Department of Public Works (including but not limited to the Division of Solid Waste Management and the Highway Division) and the Broome County Department of Parks and Recreation. This includes all employees who drive a commercial motor vehicle requiring a commercial driver's license to operate.

Acknowledgment Form - A covered employee will receive a written copy of the appropriate policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

906 *Smoking*

Policy Statement - It is the policy of the County to prohibit smoking in all County vehicles, inside all County buildings, and outside of County buildings within a radius of twenty feet from any public entrance or employee entrance.

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 County 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 County'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 assistance;
- Contact the supervisor immediately;
- If the accident appears serious, call an ambulance; 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 supervisor who will in turn notify the Office of Risk & Insurance Management. The supervisor will provide the employee with the Broome County "injury packet" for completion. The employee submits the completed packet to the departmental Workers' Compensation designee, who will forward the packet to the Office of Risk & Insurance Management.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the supervisor who will in turn notify the Office of Risk & Insurance Management. The supervisor will provide the employee with the Broome County "injury packet" for completion. The employee submits the completed packet to the departmental Workers' Compensation designee, who will forward the packet to the Office of Risk & Insurance Management.
- The Office of Risk & Insurance Management will keep a log of the injury or illness for at least the minimum time required by applicable laws and regulations. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

1002 Hazard Communication Program (Right to Know)

Statement of Compliance - Broome County 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 County 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 County must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** - All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The County 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 Department Head 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 Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

Material Safety Data Sheets (MSDS) - An employee working with a Hazardous Chemical shall obtain a copy of the Material Safety Data Sheet (MSDS) 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 Material 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 Department Head 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 *Bulletin Board*

Summary - Bulletin boards are located throughout County buildings for communicating information to employees. An employee should check the bulletin boards frequently to keep informed on changes in employment matters and other items of interest.

Posting of Material – Except as otherwise provided by the collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1102 *Adverse Correspondence*

Written Communication - An employee who receives a memo, fax message, letter, telegram, legal notice, e-mail, summons, or other form of communication which may have a negative impact on the County must immediately forward the document to the appropriate Department Head.

Verbal Communication - An employee who receives a verbal complaint of unfair treatment or expressions of anger or dissatisfaction must immediately notify the applicable Department Head, who will initiate the appropriate action in response.

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 or Department Head of any suggestions which may be valuable to the County's productivity and success. All suggestions will be carefully reviewed and 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 taxpayers we serve. We ask that all employees make every effort to represent the County in a polite and professional manner.

1200 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

<p style="text-align: center;">BROOME COUNTY</p> <p style="text-align: center;">EMPLOYEE HANDBOOK ACKNOWLEDGMENT</p>
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I hereby acknowledge that I have received a copy of the Broome County *Employee Handbook* outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of Broome County. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the Department of Personnel if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the County Legislature of Broome County reserves the right to interpret, change or modify any section of the Employee Handbook at any time.

I understand that, if I am covered by a collective bargaining agreement between Broome County and an employee organization as defined by the Public Employees' Fair Employment Act, in the event an expressed and explicit provision set forth in a collective bargaining agreement should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in the Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, the Employee Handbook is applicable to all employees.

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

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by Broome County.

Employee Name (please print)

Broome County Representative (please print)

Employee Signature

Broome County Representative Signature

Date of Signature

Date of Signature