

# BROOME COUNTY

## Personnel Policy & Procedures Manual

**ADOPTED BY RESOLUTION #03-445  
OF THE BROOME COUNTY LEGISLATURE**

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# Broome County Personnel Policy and Procedures Manual

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## 100 INTRODUCTION

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### 101 *The Purpose of this Personnel Policy and Procedures Manual*

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**Issued:** 01/2004

**Revised:**

**Statement of Purpose** - The purpose of this Manual is to communicate the County's personnel policies and procedures to those supervisory personnel responsible for their application. **This manual is not a contract of employment, express or implied, and should not be construed as such.**

**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 Manual. In addition, this Manual 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 Manual, then such statute, law or ordinance will prevail.

**Broome Community College and Broome County Public Library** – This Manual is not applicable to 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 Manual, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Manual will be applicable to all employees.

**Questions** - Any questions regarding any topic covered in this Manual should be directed to the Department of Personnel.

## 102 Definitions

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**Issued:** 01/2004

**Revised:**

**Broome County** - For purposes of this Manual, Broome County may be referred to as the "County".

**County Legislature** - For purposes of this Manual, "County Legislature" will mean the County Legislature of Broome County.

**Elected Official** - For the purposes of this Manual, "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 Manual, "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 Manual, "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 Manual, "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 Manual, "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 Manual, "Civil Service Law" shall mean the New York State Civil Service Law and shall include the *Broome County Rules for the Classified Service*.

## 103 **Employee Classifications**

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**Issued:** 01/2004

**Revised:**

For purposes of identifying distinct employee classifications within this Manual, reference will be made to the terms shown below. The definition provided for each of these terms applies only within the context of the Manual. 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.

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

For purposes of this Manual, 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.

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

For purposes of this Manual, 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.

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

For purposes of this Manual, 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.

### **Temporary Part-Time Employees (1600 budget line)**

For purposes of this Manual, 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.

### **FLSA Non-Covered Employees**

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

### **FLSA Exempt Employees**

For purposes of this Manual, “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.

### **FLSA Non-Exempt Employees**

For purposes of this Manual, 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.



## 200 THE CIVIL SERVICE SYSTEM

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### 201 *Overview of the Civil Service System*

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**Issued:** 01/2004

**Revised:**

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.

#### **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 Manual, 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 (See also 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).

#### **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 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.

### **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.

### **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 Department of Personnel for details concerning these credits.

## 202 **Position Classification**

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**Issued:** 01/2004

**Revised:**

**Policy** – The Department of Personnel is responsible for classifying all positions, regardless of funding source, to determine the appropriate title and grade.

**Procedure** – When a new position is created, a *New Position Duties Statement* form must be submitted to the Department of Personnel. The instructions for completing the form are outlined in the upper section of the form. A separate *New Position Duties Statement* is required for each new position. However, one description may cover two or more identical positions in the same organizational unit. The number of positions to be created should be indicated.

- *New Position Duties Statement* – The *New Position Duties Statement* is a statement of the specific duties expected to be performed by the incumbent of the position. The work should be described in sufficient detail to give a clear word picture of the job. Information about supervision (received and given) and suggested minimum qualifications must be included. Detailed and specific information on the *New Position Duties Statement*, as well as relevant back-up material, will facilitate the classification process.
- *Job Specification* – An existing job specification is not necessarily specific to an individual position. For example, a *New Position Duties Statement* for an Account Clerk position in the Health Department should be different from a *New Position Duties Statement* for an Account Clerk in the Finance Department. However, both are covered under the same generic job specification. Therefore, it is not appropriate to copy the existing duties from a job specification when developing a *New Position Duties Statement*.
- *Position Change Request Form* – A Position Change Request (PCR) form is required whenever a position is classified or reclassified. This form must be submitted to the Department of Personnel and must be approved before an appointment to the position can be authorized.
- *Department Responsibility* – It is the requesting department's responsibility to consider the source of funding for any classification action, including grant positions that require additional monies. According to procedures outlined by the Budget Office, the PCR form must include a statement addressing such source(s) of funding for review by that Office, and a Request for Budget Transfer (BT) form if appropriate.
- *Department of Personnel Responsibility* – The Department of Personnel is responsible for reviewing the duties of the position to be created and for determining the appropriate title. When a new title is created, the Department of Personnel will recommend a salary and grade allocation to the County Legislature. The Department of Personnel will prepare a class specification for all titles.

A copy of the *New Position Duties Statement* will be returned to the Department Head submitting the *New Position Duties Statement* after the appropriate title has been assigned. One copy of the *New Position Duties Statement* must be signed and returned to the Broome County Department of Personnel for record purposes. This will be official notification that the position has been classified in accordance with Section 22 of the Civil Service Law.

- *Legislative Approval* – Legislative approval is required for the creation of new positions, the upgrade or downgrade of an existing position, and for the allocation of new titles to a grade. A PCR must be submitted to the Department of Personnel with a copy of the approved *New Position Duties Statement*. The PCR will then be reviewed by the Budget Office, the County Personnel Committee, and the County Legislature. When anticipating the need for a position, supervisors must allow sufficient time for the paperwork to be processed.
- *Grant Positions* – When possible, a *New Position Duties Statement* should be submitted to the Department of Personnel prior to submission of a grant budget to the Budget Office. This will assure proper classification of the position when the grant is approved by the Legislature. If the *New Position Duties Statement* is not submitted prior to the approval of the grant budget and the position is changed by the Department of Personnel, a PCR must subsequently be submitted for County Legislative approval.

All departments submitting grant proposals to outside funding sources should consult with the Department of Personnel to assure that appropriate titles and salaries are used. A *New Position Duties Statement* should be submitted for review at this time.

- *Position Reclassification* – An appointing officer, or any employee in the classified service, may request review for possible reclassification of a position. Such request must give reasons in support of the reclassification, and must show changes in the duties and responsibilities of the position since the last determination of classification was rendered. An organizational chart, including the position, should be included with the request.
  - *Filled Positions* – For a filled position, the employee will be provided with a Job Classification and Evaluation Questionnaire. The questionnaire must be completed by the employee, reviewed by the supervisor and Department Head, and returned to the Department of Personnel. An analysis of the duties and responsibilities of the position will be conducted by the Department of Personnel. Interviews may be necessary to obtain additional information or for clarification. The appointing authority and the employee are then notified of the determination. If appropriate, a *Classification Appeal* form will be enclosed with this notification.
  - *Vacant Positions* – For a vacant position, a *New Position Duties Statement* will be required as outlined above.

Questions regarding the above procedures should be directed to the Civil Service Unit of the Department of Personnel. Forms may be obtained from the Department of Personnel.

## 300 EMPLOYEE SELECTION

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### 301 *Statement of Compliance*

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Procedure** – Supervisors must take steps to ensure that they are knowledgeable about the provisions of the above as they apply to their areas of responsibility. Assistance is available from the Department of Personnel and the EEO Compliance Officer.

## 302 Recruitment

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**Issued:** 01/2004

**Revised:**

**Policy** – It is Broome County’s policy to ensure consistent and effective recruitment procedures throughout all departments.

**Procedure** – Vacant positions are handled in the following manner:

- For a competitive class position, the Civil Service Unit must be contacted to determine if there is an enforceable eligible list. A request for Certification of Eligibles form must be submitted to the Department of Personnel. The department should have budget approval to fill the vacancy before requesting the certification of eligibles.
- For a non-competitive or provisional position, the Department of Personnel must be contacted for recruitment assistance. The Department of Personnel will assist in developing the advertisement and placing the vacancy on the website. Vacancies will also be posted on the Department of Personnel bulletin board.
- If a department wants to advertise for a position, the advertisement must be sent to the Department of Personnel for review before being publicized. The Department of Personnel will check that the qualifications are accurately stated and that legal requirements, including EEO, are properly met.

The filling of all positions except 1600 lines (temporary) and grant positions require budget approval. It is the responsibility of the Department Head to ensure such approval is in place prior to initiating recruitment action.

### 303 **Residency Requirements**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is Broome County’s policy to require certain employees to meet residency requirements. All other County employees are exempt from the residency requirement. In competitive positions, however, it is routine to give preference to Broome County residents. The power to waive preference lies with the Department Head or hiring authority.

**Legislative Background** – Per Resolution Number 82 of 1989 as amended by Resolution Number 510 of 1999 certain employees are required to reside within the County of Broome at all times during their employment. These employees are either officers of the County who exercise sovereign power, or officers who by virtue of their position may exercise policy making decisions that affect the public at large; or are officers or employees who may be needed in the event of an emergency.

**Procedure** –

- The Department of Personnel shall retain a list of all position titles which require residency in Broome County.
- Proof of Broome County residency must be shown at time of hire.
- Only the Broome County Legislature’s Personnel Committee may temporarily waive residency requirements for a period not to exceed six months. Permanent residency requirement waivers can only be approved by the Broome County Legislature.

**Issued:** 01/2004

**Revised:**

**Policy** – It is the policy of Broome County that all qualified applicants for an open position participate in an interview or a series of interviews to determine suitability for employment.

**Procedure** –

- *Interview Manual* – Those individuals conducting interviews should become familiar with the Interview Manual published by the New York State Civil Service Department (available from the Department of Personnel).
- *Face to Face Interview* – Civil Service examination results and eligible list rankings are important tools in the selection process, but there are limits as to what they reveal about an applicant's ability to perform the duties of a particular job. Therefore, the employment interview is the most important element in the hiring process. A prospective employee should always be interviewed face-to-face, even if a telephone screening interview has been conducted.
- *Interview Preparation* – In order to conduct effective interviews and obtain the information needed to make the right hiring decision, it is important for the interviewer to know as much as possible about the job and the applicants who have applied for the job *before* the interviews take place. Not only will the interviewer be better prepared for the interviews, but it will also send a positive and professional message to applicants.
- *Review of Application* – The interviewer should review an applicant's Application for Employment Form and resume in advance of the actual interview. This will be useful in the development of interview questions.
- *Interview Format* – A structured interviewing format where all applicants are asked the same questions is strongly recommended. Because interviewing is more than an informal conversation with applicants, interviewing questions should be developed in advance. Not only will this help to ensure the interviewer is asking the right questions but it will also allow him or her to concentrate on the applicant's responses rather than thinking about what the next question will be.
- *EEO and ADA Compliance* – To ensure compliance with EEO and ADA regulations, it is important that consistent procedures be followed in the recruitment process. Both telephone screening and personal interviews must be fairly and objectively conducted. No differential treatment or language should be used. Pre-employment inquiries may only be made regarding an applicant's ability to perform the duties of the position. Questions related to an applicant's race, religion, color, sex, age, national origin, disability, marital status, arrest record, or military status are prohibited.
- *Documentation* – The interviewer should document the information obtained from the applicant immediately upon completion of the interview while the information is still fresh in his or her mind. When interviewing several applicants over a period of time, it becomes difficult for an interviewer to remember everything that was learned from each interview if there is no written record. By having documentation to refer to, the interviewer will be better able to compare the qualifications of all applicants and to make an objective hiring decision.



## 305 **Reference and Background Checking**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is the policy of Broome County that employment references should be obtained and reviewed before a final employment decision is made. In addition, where required by the nature of the position being filled, the Division of Security Services will perform background checks into an applicant's criminal history, credit profile, driver's license records, or other security sensitive areas. Reference and background checking is a fundamental step in the hiring process. It weeds out bad applicants, confirms the information obtained throughout the recruiting and interviewing process, and reduces the County's exposure to negligent hiring lawsuits. Department Heads are responsible for conducting appropriate reference checks and/or ensuring that background checks are completed by the Division of Security Services where required.

**Procedure** – Once the field of applicants has been narrowed down to two or three final candidates, reference and/or background checking should always be conducted before making a hiring decision. It should never be assumed that the information provided by applicants is true and complete.

- *Written Authorization* – It is a requirement that the appropriate release forms are signed by the candidate prior to conducting the reference and/or background checks. The Application for Employment, which must be completed by all applicants, provides authorization to contact prior employers. The Division of Security Services will provide a form to be signed by the applicant prior to performing criminal, credit or driver's license background checks.
- *Data Validation* – Department Heads are responsible for validating the information submitted on the application form and resume, if applicable. This information includes, but is not limited to, previous employment history, education and license requirements. Department Heads must coordinate the background checking process with the Division of Security Services when appropriate.
- *Internal Candidates* – Department Heads are encouraged to review the County personnel file for applicants who are current or former County employees. Department Heads should also contact the employee's supervisor to obtain a reference.
- *Guidance and Assistance* – Hiring authorities are encouraged to contact the Department of Personnel for further information regarding this process.

## 306 **Pre-Employment Medical Examinations**

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**Issued:** 01/2004

**Revised:**

**Policy** – Pre-employment medical examinations are not required unless mandated by statute.

**Procedure** – When mandated, a medical examination will be administered by the County. Department Heads are responsible for ensuring that the proper medical examinations are conducted. Generally, the County Public Health Department conducts the medical examinations, except for the Office of Sheriff, which contracts for this service.

## 400 EMPLOYMENT MATTERS

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### 401 *Oath of Office*

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**Issued:** 01/2004

**Revised:**

**Policy** – All employees, other than those in the labor class, are required to take an Oath of Office prior to commencing work.

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

## 402 **Position Change Request Form (PCR)**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is the policy of the Department of Budget to make changes in the status of a budget line only upon receiving a Position Change Request (PCR) Form. Such changes can include reclassification of a position, elimination of a position, creation of a position, or a change in full-time or part-time status.

**Procedure** – Written justification or an approved New Position Duties Statement (NPDS) is required when requesting any change to a budget personnel line. Documentation is to be included with the PCR when it is forwarded to the Department of Personnel.

- The Originating Department signs approval and forwards it to the Department of Personnel.

Generally, transactions requiring Legislative approval will be processed in time for the next scheduled Personnel Committee meeting if received by the Department of Personnel at least four weeks prior to that meeting. Requests of a non-routine nature often require extensive review and submission of these should incorporate a longer lead time for Personnel Committee action. Those transactions are:

- Creation of a new Budget Line
  - Classification Upgrades
  - Classification Downgrades
  - Part to Full-time designation on Budget Line
  - Full to Part-time designation on Budget Line
  - Allocation of newly created titles to grade
- The Department of Personnel reviews and signs the current and proposed information and offers comments or recommendations. The Personnel Officer signs approval (or disapproval) on each copy of the PCR and sends it to the Budget Department.
  - The Budget Department reviews and signs approval (or disapproval). When Legislative approval is required, the Budget Department will forward the required information to the Personnel Committee for their review.
  - When Legislative action is required, a Department representative should attend the Personnel Committee and Legislative meetings so that Legislators' questions can be answered. Failure to provide information to Legislators may result in delay or disapproval of your proposed action.

- Instructions for the Position Change Request Form
  - Personnel assigns = Log number assigned by Personnel.
  - Department name = Written name of department.
  - Effective date = Date PCR is effective.
  - Check off appropriate choice = From Eliminate to create or change From - To.
  - Level 5 (fund code) = one or two alpha characters which varies with department.
  - Level 2 (department no.) = 2 digit number which identifies the department.
  - Level 3 (index code) = 4 digit number which identifies the division within the department
  - Level 4 (subject code) = 4 digit number which identifies the type of position.
  - Project code = same as extended distribution code.
  - Title = Position name.
  - Title Code (code position number) = number assigned to a particular title, obtained from the title code listing.
  - UC =Union code may be obtained from salary schedule.
  - PT Biweekly hours = Biweekly hours that the position is budgeted.
  - Biweekly hours = Biweekly hours must be completed.
  - % = 100% for full-time positions, percentage for part-time positions.
  - Incumbent = Name of employee who is being upgraded with the position upgrade.
  - Current Salary = Current salary of the incumbent.
  - Grade = Grade number of the title may be obtained from the salary schedule.
  - Minimum salary of position = Can be obtained from salary schedule.
  - Reason for change = write out reason and/or appropriate prior approved resolution number.
  - Incumbent = Name of employee who is being upgraded or downgraded with the position upgrade or downgrade.
  - Current salary = Current salary of the incumbent.
  - Proposed salary = Proposed salary of the incumbent Utilizing the promotional formulas as set forth in the labor contracts.
  - Available funding = Check off YES or NO
  - If NO, transfer of funds = BT transfer number.
  - Department Head Signature.
  - Date of signature.

## **403 Instructions for Completing Application for Employment**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is Broome County's policy to accept applications for all positions within Broome County Government.

**Procedure** –

- An application may list only one title.
- The job specification book lists the proper titles.
- Applications will be kept on file for 3 years if applicant is not hired.
- The Broome County Employment Application form will not be considered an application for a Civil Service examination.
- Each application must be signed and dated by the applicant.
- The signature represents affirmation that:
  - The applicant will abide by all rules and regulations relative to the position if employed by Broome County.
  - The applicant agrees to undergo a physical examination if required and authorize the examining physician to render to the Department of Personnel the results of the examination.
  - The statements made in this application (including statements made in any accompanying papers) have been examined by the applicant and to the best of their knowledge and belief, are true and correct.
  - Any omission, misrepresentation and/or falsification of information contained in the application is grounds for dismissal.
  - The employer has the right to investigate all references and to secure additional job related information.
  - The employer and its representatives are released from liability for seeking such information and all other persons, corporations or organizations for furnishing such information.

## **404 Instructions for Completing Application for Civil Service Examinations**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is Broome County’s policy to accept timely filed examination applications for all Civil Service examinations.

**Procedure** –

- The applicant must write the exact title of the position at the top of the examination application.
- Applicants must submit a separate application form for each exam title.
- The established examination application fee, in the form of a check or money order, must accompany each application. Application fees are non-refundable.
- Applications not filed within the filing period for an examination will not be considered.
- Applicants meeting the minimum qualifications will receive an admission letter at least one week prior to the exam indicating the time and place of the Civil Service exam.
- Applicants who do not qualify will be notified and will be given a grace period to submit additional information.
- The application fee will be waived for those applicants who are unemployed and a head of household, or who are recipients of any Broome County Department of Social Services Assistance Program at the time of application. All claims are subject to later verification; claims not supported by appropriate documentation are grounds for barring or rescinding an appointment. Fee waiver forms are available at the Department of Personnel or the Department of Social Services.

## **405 Orientation Program**

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**Issued:** 01/2004

**Revised:**

**Policy** – 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.

**Procedure** –

- It is the responsibility of the hiring department to contact the Department of Personnel and schedule an orientation for each new employee.
- The Department of Personnel orientation package must be given by the department to the new employee to be completed by the orientation date. Orientation packages are obtained from the Department of Personnel.
- Department Heads or supervisors are responsible for providing employees with a tour of the facilities appropriate to the employee's job responsibilities. In those cases where an employee will have significant interaction with other departments, it is important to include those other departments in this process.



## 406 **Probationary Period**

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**Issued:** 01/2004

**Revised:**

**Purpose of Probationary Period** - The probationary period is for an employee to learn the essential 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. It is the responsibility of the Department Head to ensure that employees are informed of those areas that need to be improved.

### **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.

## 407 Performance Appraisal

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**Issued:** 01/2004

**Revised:**

**Policy** – All County employees must be formally evaluated at least once a year. 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.

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

- Employees serving a probationary period must be evaluated at least twice during that period.
- The Department of Personnel will provide each department with a quarterly report showing when each employee is due for evaluation.
- Formal evaluations are due at the end of the quarter in which the employee's step date or employment anniversary date falls. Informal evaluations will occur on an as needed basis throughout the performance cycle.
- The evaluator will meet with the employee to review the employee's performance appraisal report.
- Should deficiencies be recorded in the performance of the employee, the employee will receive specific, reasonable, written recommendations for improvement.
- Evaluations must be completed at least one month prior to the award or denial of a step increment.
- The evaluation should be done by the supervisor most familiar with the employee's day to day performance. Such supervisor should be designated by the Department Head.
- 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.
- An employee's written reply, if any, will be attached to the performance appraisal report.

## 408 **Corrective Discipline**

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**Issued:** 01/2004

**Revised:**

**Policy** - 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 410 of this Manual). 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.

**Procedure** – In accordance with the concept of progressive discipline, a supervisor should identify the appropriate response to acts of prohibited conduct by an employee based upon the severity of the offense. If such response includes action beyond counseling or a written warning, or if unsure of the appropriate action to take, the supervisor should contact the Director of Employee Relations for guidance in handling the situation.

- *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 Manual 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.

## **409 Employee Fraud, Theft, and Dishonesty**

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**Issued:** 01/2004

**Revised:**

**Policy** - It is the policy of Broome County that all suspected thefts by employees must be reported immediately to the Office of Risk & Insurance Management.

**Procedure** – Any incident which presents a reasonable suspicion of fraud, theft or dishonesty on the part of any employee is to be reported immediately to the Office of Risk & Insurance Management. The Office of Risk & Insurance Management will then in turn notify the Office of the Broome County Executive and, if appropriate, the Director of Broome County Security for further investigation.

## 410 **Civil Service Law Section 75**

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**Issued:** 01/2004

**Revised:**

**Policy** – 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 official 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, the original copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed with the Department of Personnel.



## 411 Personnel File

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

### **Procedure –**

- *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.
- *Release of Information* – The personnel file, and information therein, shall not be released to anyone except a person who has a need to know (e.g. supervisor, Department Head, union officer). It shall not be released to anyone outside the County without a subpoena, legal mandate, or permission of the employee. Information such as would confirm employment, such as last job title, location and dates of employment, may be released.

- *Access (Current Employees)* – 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.
- *Access (Former Employees)* – Former employees, within two years of their separation date, can review their files by making an appointment with the Department of Personnel. If a former employee has been separated from employment for more than two years, a Freedom of Information request must be filed with the Clerk of the Legislature in order to review files.
- *Supervisory / Department Files* – All original personnel records must be maintained by the Department of Personnel. No personnel records should be kept outside of the official personnel file maintained by the Department of Personnel.

## **412 Release of Employment Reference Information**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is the policy of Broome County to disclose only limited information regarding past or current employees for employment references. Department Heads or supervisors are prohibited from responding to requests for information on former or current Broome County employees.

**Procedure** – Any request for information should be forwarded to the Department of Personnel, which will prepare a proper response.

## 413 Separation from Employment

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**Issued:** 01/2004

**Revised:**

**Policy** – It is the policy of Broome County to terminate employment because of an employee’s resignation, discharge, or retirement, the expiration of an employment contract or term appointment, or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of any specific written agreement, employees are free to resign at any time and for any reason. In addition, the County reserves the right to terminate employment at any time and for any reason, 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.

### **Procedure –**

- *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

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### 501 *Work Schedules*

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**Issued:** 01/2004

**Revised:**

**Policy** - Department Heads are responsible for establishing employees' work schedules, 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

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**Issued:** 01/2004

**Revised:**

**Policy (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.

**Procedure (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.

**Policy (Rest Breaks)** - A full-time employee may 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 may 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.

**Procedure (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

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**Issued:** 01/2004

**Revised:**

**Policy** – 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.

### **Procedure -**

- *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 Employees Unable to Report to Work Due to Inclement Weather**

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**Issued:** 01/2004

**Revised:**

**Policy** – The County recognizes that certain weather related conditions may create a situation under which an employee may have difficulty traveling to the workplace, and has established uniform guidelines to be followed in such a circumstance.

**Procedure** –

- A supervisor must be called at the earliest point in time that the weather has inhibited travel.
- Every effort should be made by the employee to reach work using reasonable safety precautions.
- Each occurrence shall be judged on the merits of the situation:
  - Occurrences deemed legitimate shall result in lost time being deducted from vacation or compensatory accumulation. Insufficient accumulation will be considered approved leave without pay.
  - Occurrences without sufficient merit shall be considered as leave without approval and without pay, and the employee may be subject to appropriate disciplinary action.



## 505 Time Records

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**Issued:** 01/2004

**Revised:**

**Policy** – Department Heads must ensure that all FLSA non-exempt employees complete an individual time record showing the daily hours worked. In some departments, 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.

### **Procedure** –

- *Employee Responsibilities* – 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 leaves 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.

## 506 **Bonding**

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**Issued:** 01/2004

**Revised:**

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

**Procedure** – Department Heads must ensure that arrangements are made with the Office of Risk & Insurance Management for appropriate bonding.

## 507 Expense Reimbursement

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

### **Procedure** –

- *Documentation* – A voucher, along with corresponding receipts and all documentation specified by Audit and Control requirements, must be submitted to the appropriate Department Head or designee 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.

## 508 **Vehicle Usage**

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Procedure** - For the purpose of compliance with this policy, the following procedures must be followed 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 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.

## 509 **Driver's License**

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**Issued:** 01/2004

**Revised:**

**Policy** – Department Heads are responsible for ensuring that an employee who is or may be required to drive either a County-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the County possesses, at the time of appointment and throughout employment, a valid New York State driver's license. The Department Head must forward a copy of the driver's license to the Office of Risk & Insurance Management. 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.

## 510 Automated Information Systems User Policy

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**Issued:** 01/2004

**Revised:**

**Purpose** – This section documents the established uniform policies and responsibilities for users of the Broome County Automated Information Systems (AIS), comprised of a 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 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

### **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.



## 511 Maintenance of Work Area

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**Issued:** 01/2004

**Revised:**

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

**Procedure** –

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

## 600 ABSENCE POLICIES

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### 601 Attendance and Absence Management

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**Issued:** 01/2004

**Revised:**

**Policy** – It is the policy of Broome County that all employees must report for work punctually and must work all scheduled hours and any required overtime. Excessive tardiness and poor attendance have a negative impact on departmental productivity and efficiency and will not be tolerated. Department Heads are responsible for taking appropriate action to correct any situation that needs attention and are encouraged to contact the Director of Employee Relations for guidance on how to manage attendance problems.

**Procedure** – 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 designee prior to the employee's scheduled starting time. The employee must speak directly with the Department Head or designee, 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 obtain approval from 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 obtain approval from 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**

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**Issued:** 01/2004

**Revised:**

**Policy** – 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.

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

- *Notification of Jury Duty* - When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's supervisor.
- *Return to Duty* - In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work, unless excused by the employee's supervisor.
- *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**

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**Issued:** 01/2004

**Revised:**

**Policy** – Military leaves of absence will be provided employees in accordance with applicable New York State and federal laws which protect individuals with military commitments from detrimental employment decisions based on such commitments. Military leaves of absence may be paid or unpaid leaves in accordance with the provisions of this policy.

**Procedure** – Unless giving notice is unreasonable or precluded by military necessity, an employee requiring a military leave or military leave of absence should provide the employee's supervisor with a written or verbal advance notice along with, if appropriate, a copy of the military order. It is recommended that the notice be given to the supervisor at least two weeks before the anticipated leave date. Upon receiving a request from an employee to take a leave under the provisions of this policy, a supervisor should contact the Department of Personnel for further guidance and details.

For informational purposes, the provisions of state and federal regulations governing military leave and military leave of absence are summarized below.

- *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

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**Issued:** 01/2004

**Revised:**

**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.

### **Procedure** –

- *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.
- *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 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**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is the policy of Broome County to grant employees extended leaves of absence when certain conditions with respect to family or medical circumstances are met. Broome County complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

**Procedure** – Upon receiving a request from an employee to take a leave under the provisions of the FMLA, a supervisor should notify the employee to contact the Department of Personnel for guidance and eligibility details. For informational purposes, provided below are details regarding the Family and Medical Leave 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
- 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.
- The Employee Medical Leave Certification Form must include both the health care provider's and employee's signatures.

*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** - Unless otherwise specified in a collective bargaining agreement 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 following the period of disability. The maximum amount of mandatory disability related leave and childcare leave is twelve weeks. Leave beyond the mandatory twelve-week period is at the discretion of the Department Head. The employee may also use vacation leave credits during this leave of absence. 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 employee may also use vacation leave credits during this leave of absence. 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. The employee may also use vacation leave credits during this leave of absence. 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** – Provided that an employee returns to work immediately following a leave of absence, the employee will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. Leaves of absence will be 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.

## 606 **Employee Medical Certification Form**

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**Issued:** 01/2004

**Revised:**

**Policy** – A completed Medical Certification form must be submitted to the employee's Department Head and then the Department of Personnel before an employee can be granted leave status for a medical reason. This must be submitted with a Leave of Absence Request form, and, if approved, an Employee Change in Status Form.

**Procedure** –

- *Employee:* The Employee may obtain the Medical Certification Form from their department. The top portion must be completed and signed by the employee. It is also the employee's responsibility to submit the form to their department after it has been completed and signed by a Health Care Provider (as defined by Family and Medical Leave Act regulations). The employee should retain a copy for their records.
- *Health Care Provider:* The employee's Health Care Provider must complete the appropriate section of the form indicating diagnosis and extent of the incapacity.
- *Department:* The department must send the completed form to the Department of Personnel, marked "Confidential". The department should not maintain any copies of the Medical Certification Form.

Questions regarding information required on the form should be directed to the Director of Employee Relations.

## 700 COMPENSATION

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### 701 *Wage and Salary*

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*Issued:* 01/2004

*Revised:*

**Policy** – 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** – The rate of pay for an employee who is a member of a collective bargaining unit is established by the applicable collective bargaining agreement.

## **702 Hiring Above Minimum Salary**

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**Issued:** 01/2004

**Revised:**

**Policy** – It is Broome County's policy to establish minimum salaries for all positions. In general, all employees entering County employment will be hired at the minimum salary applicable to the position being filled.

**Procedure** – When a Department Head, after a thorough search, can show that no other qualified and acceptable candidates are available, or when the minimum salary does not attract desired or acceptable candidates, the following must be attached to the New Employee Data Form and submitted for review by the Personnel Officer, Director of Budget and Research, and the County Legislature:

- Description of the search process.
- Brief summary and comparison of applicants qualifications.
- Justification for proposed salary.
- Salary history of candidate.

The specific steps to be taken are as follows:

- The Department Head submits the request and a New Employee Data Form with all supporting documentation to the Personnel Officer.
- If the applicant is deemed qualified by the Personnel Officer, the request is forwarded to the Director of Budget and Research.
- If preliminary approval is given, the request is submitted to the County Legislature for final approval or other disposition.

## 703 Performance Increments

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**Issued:** 01/2004

**Revised:**

**Policy** – Where provided by a collective bargaining agreement, annual performance increments are awarded to employees who have not yet reached the Step 5 or maximum salary amount of the grade during the first five years of employment.

**Procedure** –

- The following information is required in order to process a performance increment for an employee who has performed satisfactorily:
  - Performance increments are paid in the first full pay period following the one in which the step date falls, and are paid retroactive to the step date.
  - Collective bargaining agreements define who is eligible for a performance increment.
  - Time off without pay for more than six months during the twelve months immediately preceding the step date makes the employee ineligible for the performance increment for that year.
    - \* Military, sabbatical education, worker's compensation, sick bank and CSEA disability paid benefit time does not count against employees. In these cases, the employee is eligible for the performance increment.
    - \* When an employee is currently on leave of absence and is eligible for the performance increment, that employee is able to receive the performance increment upon the employee's return to work.
    - \* When the employee returns to work, the employee must work six months or more in order to qualify for the next step.
    - \* When an employee is on an unpaid leave of absence for six months or more and the time is split between the two anniversary years, the employee is eligible for the performance increment.
    - \* Reinstated employees must make up the time missed if over six months for the performance increment (i.e., the employee resigned, then is reinstated).
    - \* Reinstated employees whose step date falls during the period of inactive employment status with the County misses that increment but is eligible for the next one.
    - \* When an employee accepts a higher grade position the step date is changed.
    - \* When an employee accepts a lower grade position, that employee goes to the lower grade but retains the same step. Time in the higher title does not count against the employee, the step date does not change. Refer to collective bargaining agreements for possible exceptions.
    - \* When an employee accepts a temporary promotion and returns the employee's prior position, the step date and salary will revert to what it was prior to the temporary promotion.



- To deny a performance increment for an employee who has performed poorly, the following must occur:
  - The employee must be advised about what part of the employee's performance is unsatisfactory.
  - The employee must be given specific information about what must be done to improve the employee's performance.
  - The employee must be given the opportunity to improve the employee's performance.
  - The supervisor must establish a written record of counseling in the above steps.
  - The appropriate documentation must be forwarded to the Personnel Officer by the Department Head prior to the denial of the performance increment.

Questions should be directed to the Personnel Officer or Director of Employee Relations.

## 704 Overtime and Compensatory Time

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**Issued:** 01/2004

**Revised:**

**Policy** - A Department Head or supervisor may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's 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.

### **Procedure –**

- *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 (Non-Union)* – 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 (Non-Union)* - 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.

## 705 **Pay Period and Check Distribution**

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**Issued:** 01/2004

**Revised:**

**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 the Finance Department 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 or supervisor, 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.

## 706 Payroll Corrections

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**Issued:** 01/2004

**Revised:**

**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 will not be 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.

## 800 EMPLOYEE BENEFITS

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### 801 *Holiday, Vacation and Sick Leave Benefits*

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**Issued:** 01/2004

**Revised:**

**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 and administrative procedures, is available apart from this Manual. Please refer to the appropriate document (available from the Department of Personnel) for further details:

<b>EMPLOYEE CLASSIFICATION:</b>	<b>REFER TO:</b>
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

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**Issued:** 01/2004

**Revised:**

**Policy** - Broome County provides health insurance benefits for eligible employees based upon a variety of factors, including employee classification and length of service. Information regarding specific details of these benefits, including eligibility requirements, is available apart from this Manual (see below).

### **Procedure –**

- *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.
- *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.
- *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.
- *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 within thirty days could result in a delay in appropriate health insurance coverage.

Supervisors should refer to the appropriate document(s) (available from the Department of Personnel) for further details:

<b>EMPLOYEE CLASSIFICATION:</b>	<b>REFER TO:</b>
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.

## **803 Health Insurance for Retirees**

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**Issued:** 01/2004

**Revised:**

**Policy** - 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. 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. 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.

**Procedure** - 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

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**Issued:** 01/2004

**Revised:**

**Policy** – Broome County offers a Flexible Benefit plan which enables eligible employees a tax advantaged means of paying for certain medical and dependent care expenses.

**Procedure** – An employee who is interested in participating in a flexible benefit plan should be directed to the Department of Personnel for full details and to complete the enrollment process. Further details regarding this plan, including claim forms, may be obtained from the Department of Personnel. For informational purposes, provided below is an overview of some provisions of the 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.

## 805 Continuation of Health Insurance Benefits (COBRA)

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**Issued:** 01/2004

**Revised:**

**Policy** – Broome County complies with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), which 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.

**Procedure** – An employee who may become eligible for COBRA benefits should be directed to the Department of Personnel for full details regarding the enrollment process. For informational purposes, provided below are details regarding the COBRA.

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

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**Issued:** 01/2004

**Revised:**

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

### **Procedure –**

- *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 Manual.

## 807 *The New York State Employees' Retirement System*

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Procedure** – An employee with questions regarding the plan should be directed to the Department of Personnel or the New York State Employees' Retirement System. For informational purposes, provided below is an overview of the plan.

- *Mandatory Membership* - A full-time permanent 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.

## 808 Tuition Reimbursement Program

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**Issued:** 01/2004

**Revised:**

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

**Procedure** –

- **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 \$200 per employee per semester. No employee shall receive more than \$600 annually. The employee must pay all additional costs.
- **Reimbursement** – 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.

## **809 Employee Assistance Program**

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Procedure** –

- *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

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### 901 *The Americans with Disabilities Act*

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**Issued:** 01/2004

**Revised:**

**Policy** – 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. This also extends to prohibit discrimination based on a person's relationship or association with a disabled individual.

**Procedure** –

- *Responsibility of Supervisor* – Supervisors should immediately contact the EEO Compliance Officer upon receiving a notification of any kind alleging violation of this policy.
- *Responsibility of the EEO Compliance Officer* – The EEO Compliance Officer will determine the proper procedures that must be followed in response to the complaint. The EEO Compliance Officer will ensure that all complaints of discrimination will be investigated discreetly and promptly.
- *Reasonable Accommodation Requests* - 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. Supervisors should direct any reasonable accommodation requests to the EEO Compliance Officer who will coordinate such requests as appropriate.
- *Pre-Employment Inquiries* - Pre-employment inquiries are to be 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.



## 902 **Equal Employment Opportunity**

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

### **Procedure –**

- *Responsibility of Supervisor* – Supervisors should immediately contact the EEO Compliance Officer upon receiving a notification of any kind alleging violation of this policy.
- *Responsibility of the EEO Compliance Officer* – The EEO Compliance Officer will determine the proper procedures that must be followed in response to the complaint. The EEO Compliance Officer will ensure that all complaints of discrimination will be investigated discreetly and promptly.

## 903 Sexual Harassment

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**Issued:** 01/2004

**Revised:**

**Policy** – 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.

### **Procedure –**

- **Supervisory Responsibility** - Department Heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. This includes modeling appropriate behavior and making sure that the workplace does not contain inappropriate material and/or language that may violate this policy. Supervisors should become knowledgeable about the definition of sexual harassment, and the general principles and options for complaint resolution. This section contains an overview; more specific information or advice may be obtained from the EEO Compliance Officer. If sexual harassment is observed by, or reported to, the immediate or higher supervisor of an alleged harasser, the supervisor must either act or be assured that appropriate action has been taken to stop any harassment that is occurring. The supervisor should also take reasonable steps to prevent reprisal. In all cases, a supervisor must take reasonable steps to deal fairly with both parties and strive to maintain, as much as possible, the privacy of all individuals involved in the complaint.
- **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 EEO 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 EEO Compliance Officer. Employees who work second and third shifts are encouraged to contact their supervisor, Department Head or the EEO Compliance Officer at home if these individuals do not work during the employee's shift.

- *Resolving a Complaint* – It is the supervisor's responsibility to see that the complaint is seriously and thoroughly addressed. Depending upon the circumstances, this may involve a straightforward action on the part of the supervisor to deal with the situation directly, or it may warrant a formal investigation into the allegations. After dealing with the complaint, the supervisor should follow up to see that harassment has not recurred and that there is no reprisal.
- *Formal Investigation of Complaint* – When a supervisor determines that a sexual harassment complaint warrants a formal investigation, the supervisor must immediately contact the EEO Compliance Officer for guidance on the appropriate actions to be taken, including investigation and response procedures. 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 EEO Compliance Officer will conduct the investigation.
- *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.
- *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.

**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.

## **904 Smoking**

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Procedure** – It is a supervisor’s responsibility to enforce the provisions of this policy and initiate appropriate disciplinary action in response to violations. In addition, it is incumbent upon the supervisor to model appropriate behavior with respect to this policy.

# 1000 SAFETY

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## 1001 Workplace Safety

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Safety Program** - The County maintains a comprehensive safety program which is administered by the Office of Risk & Insurance Management. Supervisors should become familiar with applicable aspects of this program, including review of the safety manual. Questions should be directed to the County Safety Officer. For informational purposes, a general overview of accident handling procedures follows:

**Accident Action Steps** - 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)**

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Procedure** - It is a supervisor's responsibility to ensure that 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 are adhered to:

- *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.
- *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.
- *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 to 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.

- *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.



## 1100 COMMUNICATION PROCEDURES

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### 1101 *Bulletin Board*

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**Issued:** 01/2004

**Revised:**

**Policy** - 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.

**Procedure** – It is a supervisor’s responsibility to review and approve all material to be posted on bulletin boards within their department, unless otherwise provided for by a collective bargaining agreement. Care should be exercised to ensure that material posted has a valid business purpose.

## **1102 Adverse Correspondence**

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**Issued:** 01/2004

**Revised:**

**Policy** – The County will be proactive in addressing any written or verbal communication that expresses concerns about County operations or that may have a negative impact on the County.

**Procedure** – Any such communication brought to the attention of a supervisor should be reviewed to determine the appropriate response or other action. A supervisor should seek guidance from the County Executive's Office if there is a question as to how to handle a specific circumstance.