

**TOWN OF COPAKe**

# **Policy Manual**

**December 13, 2008**

**Version 3**

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# **TOWN of COPAKE POLICY MANUAL**

## **PREFACE**

The Copake Policy Manual is written so that each of its major sections, indicated by Roman Numerals, stands alone. Since no section depends on or references any other section, each can be read, implemented and changed without consideration of the remainder of the document.

## **I: PREAMBLE**

The Town of Copake considers the first purpose of government to be to protect the people's rights, and maintains that our Constitution is the most fundamental document in this regard. Therefore, it is the Town's intention that all of its policies and practices shall be consistent with the wording and meaning of the U.S. Constitution, New York State Law and Copake Town Code. In addition the Policy Manual emphasizes the Town's several responsibilities for the safety and general welfare of its officers, employees, appointees and citizens.

## **II: APPLICATION**

This manual will be reviewed, amended and approved by the Town Board as necessary. All town employees, elected officials and appointees will be issued a copy of the manual, updated to current status. Each recipient will acknowledge this action with a signed receipt.

## **III: ORGANIZATION CHART**

See Appendix A, pages 24-26.

## **IV: CONFLICT OF INTEREST**

Copake's Code of Ethics, (Town Code, Chapter 23,) is included by reference in its entirety in this Policy Manual. This includes specifically paragraphs 23-7 (Standards of Conduct), 23-8 (Penalties for Offenses) and 23-10 (Whistleblower Policy and Procedure). Quotations from paragraphs, 23-7A (Financial Interest), 23-7B (Nepotism) and 23-7C (Agency) that follow are for emphasis, not exclusivity. Any and all changes in Copake's Code of Ethics are automatically included in this Policy Manual.

## **ARTICLE ONE - FINANCIAL INTEREST**

A. An officer, employee, Board member, Committee member or Commission member (hereafter known as "these individuals") of the Town of Copake may not exploit his/her position to influence, induce, persuade, or have an effect, favorably or unfavorably, on his or her own financial interest, or the financial interest of a business partner, private employer, or any other organization for which these individuals serve as an officer, director, trustee, or employee. For instance, these individuals may not:

1. Influence the awarding of business to an organization in which these individuals have a financial or employment interest.

2. Participate on behalf of the town of Copake in licensing, inspection, zoning, or other matters that affect or influence a business organization or its competitors for which these individuals have a financial or employment interest.

3. Participate in any decision by the Town of Copake that would influence any not-for-profit organization on whose Board these individuals may hold a position.

B. These individuals may not possess any private or personal business involvement (financial, employment or otherwise) with suppliers under contract for services, materials, supplies, and real estate matters to the Town of Copake. These individuals may not be suppliers to the Town of Copake unless the contract has been awarded by a bid process and the individual has disclosed his/her financial interest before the bidding process.

C. No real or personal property in which the town has a right, title, or interest shall be offered to or sold to or purchased by these individuals except upon ten (10) days of public notice, which shall include advertising in the official newspaper, on the Town's website and posting in the Town Hall and thereafter the proposed sale shall be publicly held.

D. These individuals may not invest, may not have a financial or employment interest, and may not hold any investment, directly or indirectly, in any contract or property of the Town of Copake. These individuals may not hold any other financial, business, economic, commercial, or other activity which is adverse to the interests of the Town of Copake or which is in conflict with these individuals' role as an official public servant.

E. These individuals may not use town equipment for political or private purposes. Examples of "town property" include, but are not confined to: office computers, phones, fax machines, postage machines, copiers, staff time, uniforms, and official vehicles.

## **ARTICLE TWO - NEPOTISM**

A. Officers of the Town of Copake who are authorized to hire temporary\* or full-time persons for employment by the Town of Copake must first conduct their search by posting the open position at the Town Hall and by placing an ad for the position in one of the official newspapers for the Town. These notices must clearly define the qualifications and major position responsibilities required by candidates.

\*(The Town should consider maintaining a roster of available personnel for short term temporary employment.)

B. Candidates being considered for vacant Town Board positions and other Board, Committee and Commission positions must follow the same practice as defined herein.

C. Every effort shall be made by the person who will conduct the search and hiring to avoid, in the face of equally qualified candidates, showing favoritism to any person within his or her family. The term "any person within his or her family" includes a spouse, dependent children, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandchildren, all in-laws, stepfather, stepmother, stepson, stepdaughter, stepbrother and stepsister.

D. In the event that the search, when conducted for a reasonable amount of time, results in finding no qualified non-family member, as defined in Paragraph C above, the hiring process then may consider recommending family members who are deemed to possess the necessary qualifications. The hiring of a family member, however, shall be limited to employment in departments where no other family member is employed. The Town Board of Copake shall approve and sign-off on the hiring of any family member.

E. The sensitivity and difficulty in abiding by the process stated above is acknowledged. To that extent employees, Board, Committee and Commission persons who are currently employed or appointed by the Town of Copake, shall be "grand fathered" for the remaining period of their services. When their position is vacated, filling of the vacancy shall follow hiring practices as defined herein.

F. These individuals of the Town of Copake may not influence any matter that will affect the financial or employment interest of any person within his or her family as defined herein. For example, these individuals may not participate in licensing or inspection processes involving a family member's business.

### **ARTICLE THREE – AGENCY**

A. These individuals may not act on behalf of or receive compensation from third parties in connection with anything of direct and substantial interest to the Town of Copake.

B. These individuals may not represent any entity other than the Town of Copake in any matter in which the government of Copake has an interest. For example: they may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

### **ARTICLE FOUR - RECUSAL**

No member of any board, committee, or commission shall participate in anyway or manner before said board, committee or commission in which the individual member has an interest or perceived conflict. Upon the determination that such a conflict exists said member shall recuse him or herself from his or her right to discussion or vote on that board, committee or commission until that time the matter has been determined by the remaining board, committee or commission members.

## **V: CONDUCT OF TOWN BOARD MEETINGS**

A. Pursuant to Town Law, Chapter 62, Article 4, Section 63: "The supervisor, when present, shall preside at meetings of the town board. In the absence of the supervisor, the other members shall designate one of their members to act as temporary chairman. A majority of the board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. The vote upon every question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. Every act, motion, or resolution shall require for its adoption the affirmative vote of a majority of all the members of the town board."

"During the absence or inability to act of the supervisor, or while the office of supervisor is vacant, the deputy supervisor shall preside, when present, at the meetings of the town board and shall be vested with all the powers and may perform all the duties of the supervisor under this chapter or any other law, except he shall have no vote in his capacity as deputy supervisor on matters coming before the town board and he shall not serve as a member of the county board of supervisors."  
(Chapter 62, Article 3, Section 42)

The Town Supervisor, Town Board members and other elected Town officials shall determine their respective hours of availability at Town Hall and shall post said schedules for the general public.

The agenda of the Town Board meeting shall be established and posted at least three days prior to the board meeting. Town Board meetings will be scheduled once a month with said meeting scheduled for the 2<sup>nd</sup> Thursday of January, February, April, May, July, August, October and November and on the 2<sup>nd</sup> Saturday of March, June, September and December.

Order of business at any Town Board meeting will begin with a call to order, then the Pledge of Allegiance and include the following items in an order determined by the Board:

1. Reading and approval of the minutes. Reading of the minutes may be dispensed with by a motion and majority vote of the Board.
2. Correspondence. Letters deemed significant to the conduct of town board business may be read by the Supervisor. All letters of resignation are to be noted, but not read unless the resigning personnel wishes to read his or her own letter at the Town Board Meeting. Correspondence shall be attached to the minutes of the meeting.
3. Highway department reports. The Highway Superintendent shall give a monthly report to the Town Board.
4. Court report. The justices may give a report of significant matters to the Town Board.
5. Police department report. A representative from the Police Commission or department will provide a monthly report to the Town Board.
6. Each department head shall report on the activity of his or her board, committee or commission. The chairperson may designate another member of the board, committee or commission or the town board liaison to make this report in his/her absence should the chairperson be unable to attend.
7. Councilperson reports. Each council member shall report on any activities

which the councilperson deems of significant interest to the public.

8. Budget officer. The budget officer shall report monthly regarding any significant deviations in the budget as well as the necessity for any balance transfers within the budget.

9. Introduction and consideration of new ordinances and laws. Such matters having been previously introduced and discussed in public hearing, each new law shall be read and a motion made for vote by roll call.

10. Budgetary discussions and transfers. Any necessary budget transfers will be discussed by Town Board members and explained to the audience prior to a vote on such transfers.

11. Old or unfinished business. Matters considered and reviewed at previous Town Board meetings may be further discussed to update the public on the progress of such business.

12 New business. New matters may be raised by any Board member for discussion by the entire Board.

13 Resolutions. Resolutions brought to the board for consideration shall be read in their entirety, after which a 15 minute question and comment period shall be open to the public prior to the second reading and final vote on the resolution.

14. General public comment. The board will permit the audience to raise questions and comments in an open forum before the conclusion of each board meeting. Any individual called upon to address the Board shall first state his or her name.

Questions will be directly addressed to the Supervisor who may choose to answer the question or defer the question to a more appropriate board member or personnel if present. There will be no discussion or debate between members of the audience.

15 Presentation of bills and approval of payments.

16 Adjournment.

## **VI: CITIZEN PARTICIPATION**

### **A. Citizen Board, Committee and Commission Appointments.**

The Town Board recognizes the importance of the services of citizen volunteers for many functions relating to governance of the Town including the important work done by the various permanent and temporary Boards, Committees and Commissions established by the Town Board.

In the appointment of persons to these citizen Boards, Committees and Commissions as in all other areas, it is the intent of the Town Board of Copake to conduct the business of the Town in a manner that is fair, open and representative of the people of the town. Therefore, the following policy guidelines for making appointments are implemented.

- 1a. The entire membership of each Board, Committee and Commission serves as the nominating committee for its new members with the exception of the Board of Ethics.
- 1b. The nominating and appointment procedures for the Board of Ethics follow that given by Copake's Town Code, chapter 23-1, C and D.
2. The nominating committee will actively solicit the participation of citizens whenever a vacancy arises. This will include, but is not limited to, posting a notice of the position in the official newspapers, in Town Hall and on the Website.
3. Applicants will be required to submit a letter of interest to the relevant nominating committee in-person, by post or e-mail.
4. The nominating committee together with the Town Board, at each member's option, will review the qualifications of all candidates including interviews in executive session. Upon completion of the review, the voting members of the relevant Board, Committee or Commission votes on and sends its candidate recommendation to the Town Board.
5. Appointments are made by a majority vote of the Town Board.
6. Standing and temporary Boards, Committees and Commissions on making member recommendations to the Town Board, will be guided by the following policies.
  - a. An individual cannot serve on more than three boards, committees or commissions at any time.
  - b. Only one member of a household should be appointed to serve on the same board, committee or commission.
  - c. An effort should be made to appoint members independent of political interests.
7. Appointments shall be for one term of no more than 3 years unless otherwise proscribed by law.
8. Standing Boards, Committees and Commissions appointed by the Copake Town Board shall have the number of members determined by the Town Code. Temporary Committee membership is determined by the Town Board. Terms must be staggered among board, committee and commission members to maintain continuity, so the entire committee does not have to be replaced at the same time.

9. The Supervisor appoints one or two liaisons as required by Town Code to each standing Board, Committee and Commission and may appoint one or more liaisons to each temporary committee. Liaisons have full Board, Committee and Commission rights except the right to vote. Liaisons have the primary responsibility to keep the Town Board and the Board, Committee or Commission served informed of any and all matters relevant to each group's purposes and responsibilities.

10. It will be the responsibility of each Board, Committee or Commission Chair to establish subcommittees and task forces as deemed necessary for the parent group to discharge its responsibilities and to solicit, review and appoint from within the membership for same. Board, Committee and Commission chairs are encouraged to employ the principles of openness and inclusiveness in making such appointments.

11. If a member of a Board, Committee or Commission has three consecutive unexcused absences from Board, Committee or Commission meetings or if a member has six consecutive absences from Board, Committee or Commission meetings regardless of the reasons, the Town Board may then hold a public hearing to consider the removal of such member from the relevant Board, Committee or Commission by reason of such absenteeism.

## **B. Citizen Ombudsman**

Copake is intent on hearing about and resolving overlooked issues so that its citizens feel they are served without regard to outside or political interests. Therefore, the town of Copake intends to provide to its citizens a form of redress should citizens feel that issues important to the town are not being properly addressed at the appropriate board, committee or commission level.

Further, Copake is intent on providing a resource of appropriate and accurate information as needed by anyone interacting with town government. To address both these aims, the town board will appoint an ombudsman for a term of one year.

The Ombudsman will be obligated to advance all complaints to the appropriate board, committee or commission and require a response. Any request by citizens to the ombudsman for town government information is expected to be answered in a reasonable time period. To aid both these objectives, the ombudsman will be given a mail box in town hall, an e-mail address listed on the town's website and will be available at the town hall one morning per month for two hours.

The Ombudsman will issue an annual report on the results of the issues presented and the information requested. The annual report will also provide recommendations for the improvement of issue resolution and the town's information resources.

## **C. Protection of Citizens' Rights**

The Town of Copake seeks to secure all of the civil liberties of all persons in the Town. In that regard, the Town is committed to protect as broadly as possible and

promote as widely as possible First Amendment rights of freedom of expression as well as other rights outlined in the Bill of Rights.

**D. Use of Town Facilities**

As part of the Town's effort to have democratic practices prevail throughout the town, the Town shall establish clear and constitutional guidelines governing the use of all town facilities. The Town Board's guidelines have as their first purpose to provide all citizens equal rights to use all town facilities. The Town shall give no preferred publicity or physical location of any sort to any political party or interest group. Any activities conducted on or in Town facilities by Town officials, their proxies (i.e. Boards, Committees or Commissions) or outside rental groups or individuals shall be conducted so as to give equal rights of access and visibility to all individuals and groups.

## **VII: PROCUREMENT POLICY**

Every prospective purchase of goods or services shall first be evaluated to determine the applicability of Chapter 24, Article 5-A, Section 103 of the General Municipal Law and Copake Town Code Chapter 51. Every town officer, board, department head (as applicable) or other personnel with the requisite purchasing authority (hereinafter referred to as the "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in any given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

All purchases of supplies or equipment which will exceed \$10,000 in the fiscal year or public works contracts over \$20,000 shall be formally bid in accordance with the provisions of Section 103 of the General Municipal Law.

**A.** All other estimated purchases shall require the following action:

1. Less than \$10,000 but greater than \$3,000 shall require a written request for a proposal (RFP) and written/fax quotes from three vendors.
2. Less than \$3,000 but greater than \$1,000 shall require an oral request for the goods and oral/fax quotes from two vendors.
3. Less than \$1,000 shall be left to the discretion of the purchaser.

**B.** All estimated public works contracts shall require the following action:

1. Less than \$20,000 but greater than \$10,000 shall require a written request for a proposal and a written/fax proposal from three contractors.
2. Less than \$10,000 but greater than \$3,000 shall require a written request for proposals and written/fax proposals from two contractors.
3. Less than \$3,000 shall be left to the discretion of the purchaser.

**C.** Any written request for a proposal shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in complying with the procedures of this section shall be preserved and filed with the documentation supporting the subsequent purchaser or public works contract.

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

## **VIII: FINANCIAL POLICIES**

### **A. Annual Audit Policy**

The Annual Fiscal Audit of the Town of Copake is required to insure fiscal responsibility and prudence in the stewardship of the monies of the taxpaying public in the township. The Annual Audit will be conducted by a licensed Certified Public Accountant. The scope of the Audit will include, but not be limited to the following, subject to Generally Accepted Accountancy Practices.

1. Review and appraise the soundness, adequacy and application of accounting, financial and other operating controls to promote effective controls at reasonable cost.
2. Review and test compliance with statutory, regulatory, and internal policy requirements.
3. Determine the extent to which resources are used efficiently and effectively.
4. Evaluate the timeliness, reliability, and usefulness of institutional records and reports.
5. Determine the extent to which assets are accounted for and safeguarded from loss.

In addition to the Annual Audit described above, the Town of Copake shall hire an outside CPA every three (3) years to review the previous three (3) years of annual audits.

The Annual Audit findings will be documented in a Management letter that will be served to the Town Supervisor and each Board Member upon completion of audit. The completed report will be made available to any person requesting same.

### **B. Town of Copake Credit Card Policy**

The Town of Copake maintains a policy that five Town Credit Cards can be used only in instances where purchases are unable to be completed through normal vendor relationships. Cards may also be used for municipal travel expenses. The five Credit Cards shall be the individual responsibility of the Town Supervisor, Town Clerk, Court Justice, Highway Superintendent and Parks and Recreation Commission chairperson.

1. Upon use, the receipt for purchases must be approved by the employee's supervisor and remitted to the Town Clerk within 10 days, for safekeeping and presentation to Town Board for approval. (See attached Town of Copake Voucher, appendix B, page 27)
2. Where Department heads or managers request to use the card, the use must be authorized by the above listed officers and in his or her absence, the use must be authorized by the person assuming that responsibility in the listed officer's absence. The authorization must be in writing and attached to the Credit card Statement.

3. The Credit Card statement must be reconciled in a timely manner, a manner in which no finance charges or over limit charges accrue.
4. Upon receipt of the statement it is the responsibility of the Town Clerk to attach all receipts in chronological order with properly authorized documentation attached and submit to the designated person for reconciliation. The reconciliation and any noted irregularities must be submitted to the attention of the Town Clerk and a copy to each Town Board member.
5. No personal charges shall be made on the town Credit card.

**C. Donations**

No donations, in any amount, will be accepted by the Town from individuals or organizations with whom the Town is in litigation or considering applications or proposals for zoning variances, subdivisions, contracts, employment or any other action which might be influenced, or might appear to be influenced, by the acceptance of said donation. This does not apply to hunting & fishing licenses or other routine "in compliance" permit applications.

## **IX: INTER-MUNICIPALITY AND INSTITUTIONAL COOPERATION**

### **A. Internet List**

The town may appoint one board member to oversee the initiation and maintenance of an Internet list for Inter-Municipality cooperation. Said board member shall also invite all other town boards and the county to join the discussion list and exchange relevant information.

The list's purpose will be to exchange information concerning a broad array of issues and problems of mutual interest including but not limited to:

1. Revision of town codes and/or policy manuals.
2. Potential inter-municipality bulk purchase of large items or quantities of materials such as: vehicles, salt, fuel, etc.
3. The lending of vehicles or other items among municipalities for official use where such lending is legal.
4. Town job vacancies.
5. Problems concerning a wide variety of town issues: new equipment, construction, maintenance and use of town owned buildings and roads.
6. Ecological issues of mutual concern such as preservation and protection of wetlands, some of which are located in more than one town.
7. Hiring of consultants for issues and problems that transcend just one town's boundaries.

### **B. Community Outreach**

Citizen involvement is important to the enforcement of laws and maintenance of a healthy environment. Therefore, the town may promote appointment of liaisons to the town board from various social and other institutions including especially local religious and other institutions and the student body in Taconic Hills High School. These liaisons should focus particularly on cooperation with the town in implementing its Health, Environmental, and Ecological Policies. Furthermore, the town will take steps, including the formation of an intern program, to encourage student participation in town government and the presence of students at town meetings.

## **X: HEALTH POLICIES**

### **A. Smoking**

The use of tobacco in all its forms is a health hazard both to users and to those in the vicinity of the users. Therefore smoking and spitting of tobacco products is prohibited in all indoor places of employment of town employees including town vehicles under the jurisdiction and control of the Town of Copake. The town is also governed in this regard by the amended New York State Clean Indoor Air Act (Public Health Law, Chapter 45, Article 13-E) which prohibits smoking in virtually all workplaces, including restaurants and bars.

### **B. Drugs, Alcoholic Beverages**

1. It is the policy of the Town of Copake that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the job or at the workplace.
2. Employees may be subject to civil, criminal and disciplinary penalties, including dismissal from employment, for failure to observe this policy.
3. All terms in this policy shall have the meaning and definition as set forth in the Drug-Free Workplace Act of 1988.
4. All employees of the Town of Copake, including those engaged in the performance of federal grants, shall be given a copy of the town's policy. All employees are hereby notified that, as a condition of employment, employees are required to:
  - a. Abide by the terms of this new policy.
  - b. Notify the Town Attorney's office of any criminal drug statute convictions for a violation occurring in the workplace no later than five days after the employee's conviction.

### **C. Alcoholic Beverages (Town Code, Chapter 80)**

“It shall be a violation of this chapter for any person to:

1. Consume any alcoholic beverage in any public place within the town.
2. Have in his possession an open or unsealed container of an alcoholic beverage while in any public place for the purpose of consuming such alcoholic beverage by himself or by another in any public place.”

## **XI: TOWN OF COPAKE EMPLOYEE POLICIES**

### **A. Hiring Policy**

1. Applicants will be hired on the basis of experience, training, personal background, and the potential for growth within the Town. There shall be no discrimination based on religion, age, sex, race, physical handicaps, veteran status, or national origin. It is the intent of the Town Board that equal opportunity will be provided in all promotions, wages, benefits, and other privileges, terms, and conditions of employment.
2. Pursuant to the Columbia County Civil Service Commission's Rules, positions within the Town are classified. For purposes of applying civil service rules only, part-time employment is considered employment of less than 20 hours per week.

### **B. References and Background Checks**

1. Prior to final appointment candidates selected for possible employment will have their references consulted and the Town of Copake will conduct a background check. Potential employment candidates shall give the Town of Copake prior approval to contact their references and to perform the background check (form to be provided by the Town).

### **C. Hiring and Management Policies**

1. The Town Board shall advertise all vacant positions by posting a notice in the local newspapers, at the Town Hall, on the Town's web site, and by word of mouth. Potential applicants may obtain applications at the Town Hall.
2. Department heads will review all applications and conduct interviews with potential candidates for paid positions. The Town Board will be invited to participate in the interviews.
3. The department head will forward to the Town Board the name and qualifications of the most qualified candidate for approval by the Board.
4. The Town Board shall establish the positions that report directly to the Supervisor, including secretaries, bookkeepers, accountants, and any others deemed necessary by the Town Board. The Supervisor will interview potential candidates for these positions and recommend successful candidates to the Town Board for approval.

### **D. Health and Welfare**

1. Employment Policies and Administration
2. Compensation
  - a. Hours and Wages are to be established prior to hiring. New positions and changes to existing wage and hour schedules are to be approved by the Town Board.
  - b. Meeting, Conferences and Training when approved by the Department Head are to be considered paid work hours.
  - c. Overtime

- i. The Fair Labor Standards Act (FLSA) defines overtime as working more than forty hours in a single work week. Non-exempt employees shall receive 1-1/2 times their regular hourly rate for the hours that exceed forty (40) hours in one week. When calculating overtime only the hours actually worked is used. Any time for holidays, vacation, sick or other time off is not used to calculate overtime hours. All overtime must be pre-approved by the employee's department head or the Town Board.
- d. Request for Time Off must be in writing and approved by the Department Head. Time off (unless compensatory for extra hours worked) will be charged against earned sick time.
- e. Reporting Times are determined by the Department Heads.
- f. Travel
  - i. Employees who use their own vehicle for Town business will be reimbursed at the current IRS rate for mileage.
  - ii. Such reimbursement will not include mileage from the employee's home to work or return home. All distances will be computed from the employee's place of work to destination and return to place of work.

(Note: In the event an employee leaves directly from home to travel for Town business and this distance is shorter than from the place of work to the destination, the employee will be paid for the lesser mileage.)
  - iii. All requests for mileage reimbursement must be on the appropriate Mileage Request Form (Voucher, Appendix B) and include: date of travel, destination, and reason for travel and round trip mileage. The request form must be signed and dated by the employee and approved by the employee's superior.
- g. Termination
  - i. Employees are expected to report to work as scheduled and to perform their job to the best of their ability and to do so in a professional manner. Civil Service Law (Article 5, section 75) states that a covered employee may not be removed or subjected to disciplinary action except for incompetence or misconduct shown after a hearing on stated charges. The employee may have legal counsel and call witnesses to testify on his (her) behalf at the hearing. If found guilty the Town may take any of the following disciplinary actions: a formal letter of reprimand, a fine, a temporary suspension, demotion or dismissal. The action taken by the Town will be based on the nature of the violation and the employee's work record and length of service with the Town.
  - ii. Upon separation from service, either by reason of resignation, termination or retirement with the Town of

Copake, an employee shall be entitled to receive payment for all unused vacation time.

Note: The Town shall pay to the estate of a deceased employee the pro-rata vacation entitled by that employee until the time of death.

### **3. Benefits**

a. Only full time employees, the Town Clerk and the Highway Superintendent are eligible for any benefits, with the exception of the New York State Pension. Unless otherwise noted full time employees are defined as working a minimum of 30 hours per week.

i. The Town Clerk/Tax Collector and Superintendent of Highways are the only elected officials eligible for benefits as described for full time employees.

#### **b. Maternity leave**

i. In accordance with the Federal Pregnancy Act of 1978, pregnancy is to be considered a disability and therefore will be extended the same benefits and be subject to the same policies as any disability.

ii. Employees may request of their immediate supervisor a leave of absence for up to one (1) month, such request renewable at the discretion of the Town Supervisor for up to three (3) months cumulative leave. Employees may utilize any accumulated sick leave, vacation or personnel leave for a leave of absence with pay up to the cumulative leave granted. During such reasonable period of leave of absence, the employee shall continue to accrue vacation and sick leave, provided that he/she returns to work at the expiration of his/her temporary leave and works thereafter for the Town for a minimum of twelve (12) months. It shall be the policy of the Town to conform to applicable federal and state laws existing at the time of absence.

#### **c. Military leave**

i. Training (National Guard; reserved forces). Any employee called for Armed Forces Reserve shall be excused from work for the duration of the employee's service and shall receive the difference between his/her regular pay and his/her reservist's pay, provided that the employee presents an official statement of pay received. The differential pay will apply only to the normal Monday through Friday workweek; it will not apply to weekends during which the employee is not regularly scheduled to work for the Town. All benefits shall continue to accrue during such absence, except for reserve service of duration

longer than two (2) weeks. In instances of national mobilization, accrued benefits continue up to thirty (30) days.

ii. Active duty. An employee may be granted a formal leave of absence without pay for periods of extended active duty. A copy of military orders directing this duty will be filed with the Town Supervisor and placed in the employee's personnel file. The employee must make application for reinstatement upon release from active duty within the period specified by current federal law if he/she desires to seek reemployment. Application for reinstatement must be made within ninety (90) days of completion of active service as specified in Chapter 43 of Part III of U.S.C. Title 38.

**d. Jury duty**

i. Jury duty is considered a mandatory service to the community, state and nation and is of such an infrequent nature that employees are not to be penalized.

ii. Length of jury service shall be determined by the applicable court. Town employees shall be compensated for lost wages not to exceed one week's pay for a normal forty-hour workweek. Compensation paid shall equal the employee's base salary for the period in question, less any payments received from the applicable court for such service.

**4. Health Care**

**a. Full Time Employees.**

i. Eligible for Health Insurance after six (6) months of full time employment

ii. The Town of Copake will pay 100% for health insurance coverage for the employee and immediate family.

iii. In lieu of an eye glass rider, the Town will pay up to \$150.00 per year per individual towards the cost of eye exams, glasses or contacts.

iv The Highway Superintendent may waive the six (6) month waiting period for the health insurance to begin upon recommendation if the employee is transferring from another department within the Town of Copake or from another municipality.

**b. Highway Department Health Insurance Buyout**

i. Any employee who opts out of the Town's Health Insurance Program will be paid \$1,000.00 per year for an individual plan or \$1,500.00 per year for a family plan.

**c. Highway Department Retirement Health Insurance**

i. After twenty-five (25) years of service with the Town, the Town will pay 75% of the employee and family's

health insurance premium and after thirty (30) years of service the Town will pay 90% of the cost of the employee and family's health insurance premium.

ii. If an employee who is receiving or is working and is eligible for this benefit becomes deceased, this benefit will be offered to his family for a period of two (2) years or until the spouse remarries, whichever comes first.

**d. Highway Department Retirees**

i. If an employee retires under the NYS Employee's Retirement System or retires and collects Social Security, an employee may convert their unused sick leave to a cash equivalent to be used by the Town of Copake for payment of the Health Insurance premiums. The cash equivalent shall be computed at the rate for the position that the employee held at his retirement per unused sick leave day.

**5. Pension - Town of Copake employees are covered under the New York State Retirement System.**

a. All full time employees of the Highway Department and Police Department are required to join the NYS Retirement System. For other town employees, joining the NYS Retirement System is an option.

i. The employees contribute to the retirement per the current policies of the NYS Retirement System.

b. Per New York State law all firemen and policemen must join the NYS Retirement System.

c. An employee may accumulate up to 165 sick days. At retirement accumulated sick days may be added to employee's length of service. The rate for 165 sick days is calculated to be a maximum of 0.63 years.

**6. Holidays**

a. Full time employees are entitled to the following 11 paid holidays: New Years, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, the day after Thanksgiving, and Christmas.

b. Holidays falling on Saturday will be observed on the preceding Friday and holidays falling on Sunday will be celebrated the following Monday.

**7. Sick Time**

a. Full time employees are eligible for six (6) sick days per year. Any employee that does not use any sick days during the preceding year is credited with two (2) additional sick days.

i. Sick days may be accumulated to a maximum of 165 days.

b. Full time employees shall be entitled to turn accumulated sick leave credits in blocks of ten (10) days subject to the following regulations:

i. For every ten (10) days turned in, employees will be paid five (5) days at \$70.00 per day (2007 rate).

ii. Employees must maintain a minimum of twelve (12) accumulated sick days after the turn-in.

iii. Employees shall notify in writing of their intent to convert sick time to the Highway Superintendent at least thirty (30) days in advance and payment for the days turned in shall be paid in the first regular payroll after the thirty (30) days have elapsed.

c. Doctor's Certificate and Examination

i. The Town of Copake may require a physician's certificate for any absence of more than three days. Where the illness or disability is of long duration, a physician's certificate will be required for each thirty days of continuous absence. In any case, the Town of Copake may require an examination by a physician of the Town of Copake's choosing. In the event that a physical examination is required because of alleged illness the employer shall bear the expense thereof. Employees shall not be reimbursed for mileage in connection with this provision.

ii. Where an employee has demonstrated a pattern of sick leave use, the employee shall be counseled by a representative of the Town of Copake, and shall be notified in writing that the employee may be required to provide a doctor's certificate for each absence if the pattern of sick leave continues.

**8. Personal Time**

a. Full time employees are eligible for 3 personal days per year. These days may not be carried over to the next year.

**9. Vacation Time**

a. Full time employees earn paid vacation time based on the years of service with the Town of Copake as follows:

i. 1 year of service – 1 week vacation

ii. 2 years – up to 10 years of service – 2 weeks vacation

- iii. 10 years – up to 15 years of service – 3 weeks vacation
- iv. 15 years and longer – 4 weeks vacation
- b. Vacation time may not be carried over from one year to the next with the exception of the Highway Department where said time must be used by January 31 of the following year. The exception being noted is due to the impact of snow removal situations upon Highway Department employee's work requirements.
- c. When an employee leaves the service to the Town he (she) is entitled to be reimbursed for any unused vacation time. An employee terminated for cause will not be eligible for reimbursement.

**10. Longevity Pay – Highway Department**

- a. Employees will be eligible for longevity pay that is a once a year lump sum payment, to be paid with the first payroll of December, according to the following schedule:
  - i. Six (6) – ten (10) years - \$400.00 each year
  - ii. Eleven (11) – fifteen (15) years - \$750.00 each year
  - iii. Sixteen (16) – twenty (20) years - \$1,200.00 each year
  - iv. Twenty-one (21) and beyond - \$1,700.00 each year

**11. Uniform Allowance**

- a. The Town of Copake will provide uniforms for all full time Highway employees.
- b. If an employee opts out of the Uniform Program, the employee will be paid \$200.00 per year.
  - i. Uniform payment will be divided into two (2) equal payments, made in January and July.

**E. Expense Reimbursement**

- 1. All requests for reimbursement by any Town employee, official, or appointee must be fully documented. An expense reimbursement form (Voucher, Appendix B) shall be completed and signed; the form is available from the Town Clerk.
- 2. Requests for reimbursement of goods or services should have the original receipt or invoice attached to the Expense Reimbursement Form.
- 3. Requests for mileage reimbursement shall describe date and time of travel, destination, round trip mileage, and purpose of trip. Mileage will be reimbursed at the IRS current rate for mileage reimbursement.
- 4. All reimbursement requests and mileage expenses must be signed and dated by the requester and approved by the requester's superior, i.e. department head, chairman of a board, committee or commission, or by the Town Supervisor.

**F. Use of Town Vehicles and Equipment**

- 1. Town vehicles may only be used for Official Town business

2. The use of any Town vehicle is regulated by the Department Head to which the vehicle is assigned
3. A logbook will be in every Town vehicle with the exception of the Highway Department vehicles. Whenever the vehicle is taken on the road, the trip should be notated in the logbook, including: date, time out, destination, purpose of trip, mileage, and time vehicle is returned to its garaged location.

**G. Seat belt policy**

1. All Town employees are required to wear seat belts while operating or riding in any vehicle while on Town business. This applies to personally owned vehicles, as well as the vehicles of others.
2. In addition, passengers in vehicles operated by the Town while on Town business are required to wear seat belts. Unauthorized passengers are prohibited at any time.
3. This requirement shall not apply to vehicles in which the manufacturer has not installed seat belts.
4. Town employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.
5. Employees found violating this policy may be subject to disciplinary action.

## **XII. TOWN OF COPAKE SEXUAL HARASSMENT POLICY**

### **A. Town Policy.**

The United States Equal Employment Opportunity Commission (EEOC), on September 23, 1980, amended its guidelines on sex discrimination to establish the fact that sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. The EEOC guidelines hold employers accountable for sexually harassing conduct by supervisory personnel, between fellow employees and by non-employees where the employer knows, or should have known, of such conduct.

The Town of Copake is committed to a policy that sexual harassment constitutes illegal behavior and is prohibited in any and every workplace in which town employees are required to conduct business. (Town Code 23-8H)

### **B. Behavior Constituting Sexual Harassment.**

Under EEOC guidelines, un-welcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is either an implicit term or condition of employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct; or
3. The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile or offensive work environment.

### **C. Complaints.**

The Town of Copake recognizes sexual harassment as a form of employee misconduct and provides affected employees with rights of redress and complaint resolution channels for incidents of sexual harassment. Complaints which cannot be resolved between the involved parties should be recorded by the victim of the sexual harassment and presented orally or in writing to supervisory personnel, department heads and the Town Supervisor, in successive order. Complaints may also be made to either The New York State Human Rights Division or the United States Equal Employment Opportunity Commission.

### **D. Investigations, Reports, Enforcement.**

The Town Supervisor will conduct swift and thorough investigations of all unresolved allegations of sexual harassment, including follow-up reports, and will enforce appropriate sanctions, including disciplinary action against employees engaging in sexual harassment.

### **E. Training, Preventative Measures.**

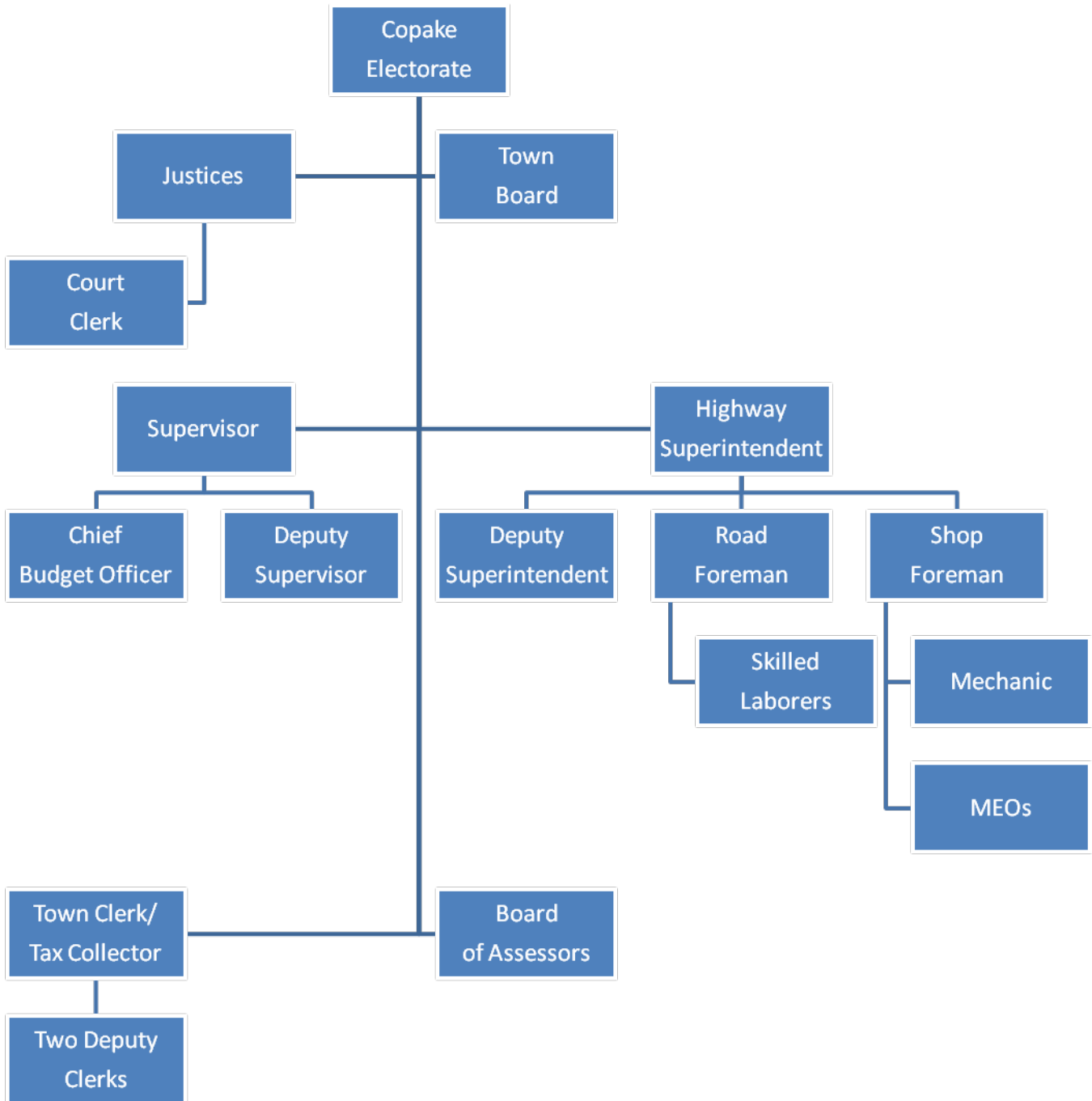
Training for appropriate staff in each department shall be given on the identification of sexual harassment, how to process complaints and the role and

responsibility of supervisory personnel in the prevention of sexually harassing incidents by the Town of Copake.

**F. Distribution of policy.**

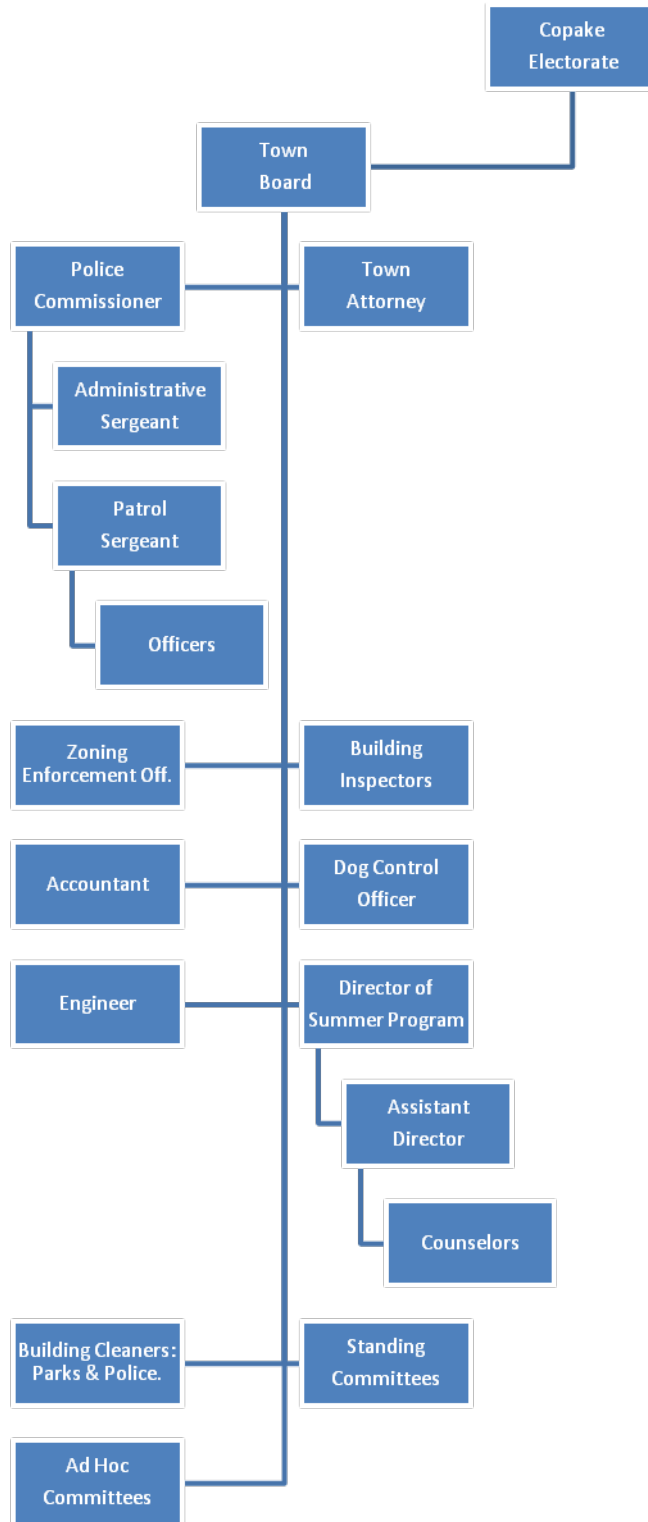
This policy shall be distributed to all town departments for posting in a common location within such areas.

**APPENDIX A: Organization Charts**



Organization Chart for Elected Positions and Detail for Justices, Town Supervisor, Town Clerk and Highway Superintendent.

# Primary Organization Chart: Town Board



# Organization Chart: Town Board Committees

