

TOWN OF SHELTER ISLAND

EMPLOYEE HANDBOOK

Adopted By Resolution of the Town Board on February 5, 2021

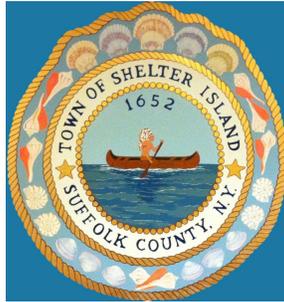
**PLEASE NOTE: The Employee Handbook includes
2022, 2023, 2024, 2025 Town Board Resolutions on
Pages 141-159 that overrides forward.**

***** Current EHB is being UPDATED to be Adopted in 2026**



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TOWN OF SHELTER ISLAND

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Town of Shelter Island Employee Handbook

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100 INTRODUCTION

101 *Welcome Message*

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

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

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

We trust that you will find service with the Town of Shelter Island rewarding both personally and professionally.

102 *A Message from Our Unions*

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

It is important that all employees understand the personnel policies and procedures and work rules outlined in this Employee Handbook. For union members, the collective bargaining agreement governs the terms and conditions of employment. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative. Anywhere that the Agreement and this Handbook conflict, the Agreement will control. However, in certain instances where the Handbook covers an issue that is not the subject of bargaining, this Handbook will control. We have made every effort to acknowledge these situations. If you have any questions, you should contact your Department Head or union representative.

We hope that your career with the Town of Shelter Island will be an enjoyable experience.

103 *History of Shelter Island*

Early in the seventeenth century, the beautiful Island known as Manhansack-aha-quash-awamock (“an island sheltered by islands”) was the peaceful home of the Manhanset tribe of Indians. Their Sachem, Pogatticut, was the Grand Sachem of most of the tribes on Long Island.

The first white man to visit the Island, James Farrett, came here in 1638 as an agent for Sir William Alexander, Earl of Stirling, who had received enormous grants of land in America from King James I of England. Farrett chose Shelter Island and Robins Island as his 1,000 acre reward for his services to the Earl. He negotiated with the Indians for possession of the islands. Shelter Island then became known as “Mr. Farrett’s Island.”

1641: Farrett sold his islands to Stephen Goodyear of New Haven and for the next ten years Shelter Island was known as “Mr. Goodyear’s Island.”

1651: Goodyear sold the Island to four merchants active in the Barbados sugar trade: Thomas Middleton, Thomas Rouse, Constant Sylvester and Nathaniel Sylvester. When these gentlemen visited the Island, Nathaniel Sylvester decided to make his home on the Island and selected the site for his house, which is thought to be a short distance from the current location of the present Sylvester Manor House.

1652: Nathaniel Sylvester and his partners signed an agreement on how they would do business. Shelter Island and Robins Island were organized to be the supply plantation for their sugar plantations in Barbados.

1656-1661: Quakers were persecuted in New England and many found refuge with the Sylvesters on Shelter Island.

1673: Nathaniel Sylvester became the sole proprietor of Shelter Island after his partners passed away.

1680: Nathaniel Sylvester passed away and bequeathed Shelter Island to his five sons in equal parts.

1695: Giles Sylvester was the eldest son of Nathaniel Sylvester. He came to own four-fifths of the Island after three of his brothers passed away. Giles sold one-quarter of the Island to William Nicoll. The Nicolls became a prominent Island family.

1700: Nathaniel Sylvester II sold 1,000 acres of land in the center of the Island to George Havens. The Havens family became another prominent family on the Island.

1730: The first Town Meeting was held on April 7. There were twenty men living on the Island (six of whom were named Havens).

1743: The first church was built on Shelter Island, on the location of the present-day Presbyterian Church.

1791: First known date for established Shelter Island School.

1846: Jonathan Preston began the first scheduled ferry service between Dering Harbor on Shelter Island and Greenport on the north fork of Long Island.

104 **Definitions**

Town of Shelter Island – For purposes of this Employee Handbook, the Town of Shelter Island may be referred to as the “Town”.

Town Board – For purposes of this Employee Handbook, “Town Board” will mean the Town Board of the Town of Shelter Island.

Elected Official – For the purposes of this Employee Handbook, “Elected Official” will mean and refer to any of the following elected officials of the Town of Shelter Island:

- Town Supervisor
- Town Board Members
- Town Justices
- Town Clerk
- Superintendent of Highways
- Receiver of Taxes
- Assessors (3)

Town Supervisor – For purposes of this Employee Handbook, “Town Supervisor” will mean the Town Supervisor of the Town of Shelter Island. When referenced in this Employee Handbook, Town Supervisor shall also mean an individual acting with the Town Supervisor’s properly designated authority.

Department Head – For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, bureau, unit, or subdivision of the Town of Shelter Island. 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. This term shall also include the Town Supervisor, where an individual otherwise designated as Department Head or any other individual must report directly to the Town Supervisor.

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

Employee – For the purposes of this Employee Handbook, “employee” will mean a person employed by the Town, 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 student intern, but not an independent contractor.

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

105 **Employee Classifications**

For purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a collective bargaining agreement.

Full-Time Employees – The term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty hours per week.

Part-Time Employees – The term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work less than thirty hours per week.

Temporary Employees – The term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

Seasonal Employees – The term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

FLSA Non-Exempt Employees – The term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

FLSA Exempt Employees – The term “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or an employee who is not covered under the FLSA.

106 *The Purpose of this Employee Handbook*

Statement of Purpose – The purpose of this Employee Handbook is to communicate the Town’s personnel policies and practices to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, Town Law, collective bargaining agreement, or any other applicable law, rule, or regulation. The provisions and policies contained in this Employee Handbook are intended to supersede any and all prior manuals, guidelines or related policies issued by the Town of Shelter Island.

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

Superseding Agreements – In the event an expressed and explicit provision set forth in a separate written agreement between the Town and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

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

Police Department – For the purposes of some of the policies stated in this Employee Handbook, the Town of Shelter Island Police Department is a separate entity which has the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Police Department, the latter shall supersede.

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

107 Changes or Modifications

Rights of the Town Board – The Town Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

Governmental Actions – This Employee Handbook is subject to alteration by resolutions of the Town Board, changes in Town 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 Town Law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

200 THE CIVIL SERVICE SYSTEM

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

201 *The Unclassified and Classified Services*

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

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

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
- **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; and,
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

202 *Civil Service Appointments*

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

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or

- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

203 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 Town intends to maintain, the Town will fill the vacancy by selection from the eligible list certified by the Suffolk County Department of Civil Service of persons who have taken the appropriate Civil Service examination. The Suffolk County Department of Civil Service will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the Town will select one of the top three eligible candidates on the list willing to fill the position.

Promotions – The Town will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above "one of three" rule will apply. An employee who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher level positions for which the employee may be qualified.

204 Veterans Credits

Summary – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veterans credits on a Civil Service examination. An employee who is a veteran should contact the Suffolk County Department of Civil Service for details concerning these credits.

300 EMPLOYMENT MATTERS

301 *Oath of Office*

Requirement – Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance with Town Law Section 25 and Public Officers Law Section 10, which must be administered prior to commencing the duties of the office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Upon original appointment or upon a new appointment following an interruption of continuous service, each employee (other than an employee in the labor class) must take an oath or alternate affirmation as set forth in Civil Service Law Section 62.

Filing of Oath – The Oath of Office is filed in the Town Clerk's Office within thirty calendar days of the Public Officer's commencement of the term of office, or upon an employee's appointment.

302 *Procedure for Filling Vacancies*

Statement of Compliance – The Town of Shelter Island is an Equal Opportunity Employer. The Town complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Public Officers Law, Town Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

Notification of Vacancies – In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The Town reserves the right to fill a position either internally or with an external candidate.

Employment Applications – The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

Employment Reference and Background Checks – To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the Town to conduct appropriate background checks.

Pre-Employment Physicals / Drug Screening – When appropriate in accordance with the requirements of a particular position, the Town may require that an applicant undergo a medical examination (after receiving a conditional offer of employment) to determine fitness for duty. In doing so, the Town will comply with the provisions of the Americans with Disabilities Act (see Section 802 of this handbook.) Additionally, all final applicants for a position that: (1) will have a work schedule of more than 10 hours/week, or (2) requires a commercial driver’s license, must consent to be tested for the presence of a controlled substance as a pre-qualifying condition to employment.

Residency Requirements – Employment with the Town of Shelter Island will be subject to the provisions of Town Code Chapter 16, Article I. Residency Requirements.

303 *Employment of Relatives*

Policy Statement – A member of an employee’s immediate family may be considered for employment by the Town if the applicant possesses all of the qualifications for employment. An immediate family member may not be hired, however, if the employment would create either a direct or indirect supervisory/subordinate relationship with the family member; or create either an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee. The Town Board reserves the right to waive or modify the application of this policy if extenuating circumstances support that doing so is in the best interest of the Town.

Definition of Immediate Family – For purposes of this policy, “immediate family” includes the employee’s spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee’s household.

Elected Officials – This policy is not intended to supersede the appointing authority of Elected Officials and does not apply to such appointments.

Marriage – Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, or an actual conflict of interest or the appearance of a conflict of interest. Should one of the above situations occur, the Town will attempt to find a suitable position with the Town to which one of the affected employees may be appointed. Such appointment must be in accordance with applicable state and local statutes, including Civil Service Law and related rules and regulations. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign.

Competitive Class Positions – This policy is not intended to supersede civil service regulations pertaining to appointments made to competitive class positions. Therefore, this policy cannot be used as a basis for denying the appointment of an individual to a competitive class position even if such appointment would constitute the employment of a relative as defined by this policy.

304 Probationary Period

Purpose of Probationary Period – The purpose of the probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

Length of Probationary Period – Except as otherwise provided in a collective bargaining agreement, the *Suffolk County Civil Service Rules* establish the length of the probationary period applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws.

Successful Completion of Probationary Period – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law or a collective bargaining agreement, completion of the probationary period does not necessarily confer rights or privileges in the position.**

Employment Status During Probationary Period – During the probationary period, an employee will be subject to demotion, suspension, or discharge at the Town's sole discretion in accordance with the *Suffolk County Civil Service Rules*. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

305 New Employee Orientation

Procedure – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the Town and their job. The orientation process generally consists of, but is not limited to, a tour of the employee's assigned worksite, distribution and review of this employee handbook, and enrollment in benefit plans, if applicable. In addition, the employee's Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the job description and performance requirements of the position.

306 Performance Review

Statement of Purpose – The purpose of a performance review is to promote communications between Department Heads and employees, encourage more effective job performance, and address concerns of either party. The review will address factors that reflect the employee's performance, such as the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills.

Frequency – An employee will be formally evaluated prior to completion of a probationary period. Thereafter, reviews will take place on an as needed basis to provide the employee with positive feedback or recommendations for improvement or both, depending upon circumstances.

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

307 Corrective Action and Discipline

Policy Statement – It is the policy of the Town of Shelter Island that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Town, and the delivery of services to residents of the Town. Any conduct that interferes with operations or that discredits the Town will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the Town. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

Communication – Open and candid communications with all employees is an important aspect of the Town of Shelter Island'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.

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

Discipline – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. In **normal circumstances**, the Town endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The Town retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit.

Investigations – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual(s) in order to gather all pertinent information and

to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The Town reserves the right to suspend an employee while an investigation is conducted.

During the investigation process, a union employee 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 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.

Procedures – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 308 of this Employee Handbook). An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure.

Prohibited Conduct – Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the Town's right to impose discipline in other appropriate cases.

- Willful violation of Town's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Town, supplier, visitor, or any other person, whether on or off Town premises.
- Engaging in any action that is in violation of the Town's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Town property or in Town vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Town property or in Town vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Preparation or manipulation of another employee's time record.

- Theft or unauthorized possession, use, or removal of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Town.
- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, Elected Official, resident of the Town, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Town policy or applicable law.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the Town's best interest, or any conduct that does not warrant public trust.
- Committing any violation of the law either on or off duty or on or off the work site that compromises or adversely affects the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Town funds.
- Illegal gambling while on duty.
- Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or failure to give proper notice of an absence or tardiness.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the express permission of the Department Head.

- Use of personal listening devices (e.g. cellphones with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.)
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

308 Civil Service Law Section 75

Summary – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the Town.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure.

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

- A newly hired employee who has not completed the minimum probationary period as specified in the *Suffolk County 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** or **Labor Class** other than a position designated in the *Suffolk County Civil Service Rules* as confidential or requiring the performance of functions influencing policy, who since the employee's last entry into service has completed at least five years of continuous service in the Non-Competitive or Labor Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

Disciplinary Procedure – 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 Town and the employee, the employee is afforded the right to a hearing in accordance with provisions established by Civil Service Law Section 75. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose. 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:

- 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 Town employment.

Finding of Not-Guilty – In the event the employee is found to be not guilty of all charges and specifications, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

Limitations – Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

Filing Requirements – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Suffolk County Department of Civil Service.

309 Code of Ethics

Policy Statement – Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board recognizes that there are rules of ethical conduct for Elected Officials and employees which must be observed so as to maintain a high degree of moral conduct and public confidence. Therefore, the Town Board has adopted rules of ethical conduct. These rules are in addition to Article 18 of the General Municipal Law and any other law pertaining to ethical conduct or interest in contracts.

Definitions – For the purpose of the Town of Shelter Island's Code of Ethics, the following terms shall have the meanings indicated:

- **Town** – Any board, commission, district, council or other agency, department or unit of the government of the Town of Shelter Island.
- **Town Employee**– Any officer or employee of the Town of Shelter Island, whether paid or unpaid, whether serving a full-time, part-time or advisory capacity.

Standards of Behavior:

- A. No Town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- C. No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- D. No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- E. A Town employee shall not, by his conduct, give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any part or person.
- F. Each Town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

- G. Each Town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- H. No Town employee employed on a full-time basis nor any firm or association of which such employee is a member nor a corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such employee serves or is employed.

Additional Penalties – In addition to any penalty contained in any other provision of law, any such Town employee who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment in the manner provided by law.

310 **Personnel Records**

Policy Statement – It is the policy of the Town to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the Town will endeavor to maintain only that personnel information necessary for the conduct of the Town's business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

Content – The personnel records maintained by the Town include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisals, grievance or dispute resolution notices, counseling memoranda, notices of discipline, and probationary reports.

Location of Files – All original personnel records for current employees will be kept in the Administrative Assistant's office and will be maintained and controlled by the Administrative Assistant, with the exception of those records which are maintained within the Police Department for members of that department. All employee medical records will be kept in a separate file apart from the employee's personnel file.

Employment Eligibility Verification (I-9) Forms – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file apart from the employee's personnel file.

Substance Testing Records – All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the and will be maintained and controlled by the Confidential Secretary to the Supervisor.

Change in Status – An employee must immediately notify the Administrative Assistant of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Review of Personnel Files – Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the Administrative Assistant, with the review to be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee's personnel file without the approval of the Town Attorney.

311 Separation from Employment

Notice of Resignation (Employees) – 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. All resignations shall be filed in the Town Clerk's Office.

Completion of Notice Period – When a resignation notice is provided by an employee, the Town reserves the right to waive some or all of the notice period.

Notice of Resignation (Town Officers) – A Town Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Town Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Town Clerk. If a Town Officer wishes to resign at some future date, the Town Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the Town Clerk (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

Notice of Resignation (Town Clerk) – The Town Clerk who intends to resign must submit a written resignation to the Secretary of State at least thirty calendar days before the date of resignation is to be effective.

Exit Interviews – Exit interviews are normally conducted by the Department Head. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Town property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable.

400 OPERATIONAL POLICIES

401 *Departmental Hours*

Normal Hours of Operation – The normal hours of operation are established by the Town Board at the annual organizational meeting. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Town Board reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Town Law.

Flexible Scheduling – Under limited circumstances an employee may have a need to begin and/or end a given workday at a time that deviates from normal work hours. Any such non-standard work schedule requires prior approval by the Department Head, who will take into consideration operational requirements and other factors as appropriate. Adjustments may also be made to an employee's work schedule to minimize or avoid the requirement to pay wages at overtime rates. The Town Supervisor and the Town Board also reserve the right to approve any flexible scheduling arrangements.

Department Head Absences – Department Heads have duties that may require them to be absent from their offices at certain times during the day. In the event that a Department Head is absent from the office, basic departmental forms should be readily available for distribution and/or collection. It is the Department Head's responsibility to determine what services are to be provided and to schedule coverage of these basic services during scheduled business hours.

Overtime – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head before working additional hours.

Refusal to Work Additional Hours – An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.

Arriving at Work Before or Leaving After Scheduled Work Hours – Arriving at work before the scheduled starting time or leaving work after the scheduled ending time for an employee's own convenience is permitted but is not to be included in working time. No work may be performed for the Town outside of the employee's regular work schedule unless prior approval has been obtained from the Department Head (i.e. unauthorized overtime is prohibited). Violations of this policy will result in appropriate corrective action. (This provision applies only to FLSA non-exempt employees.)

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

402 Meal and Rest Breaks and Breaks for Nursing Mothers

Meal Breaks – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed sixty minutes.

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

Observance of Meal Breaks – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break.

Rest Breaks – A full-time employee is allowed to take a reasonable rest break as needed and is expected to exercise appropriate judgement when doing so. It is also expected that this privilege will not be abused. A rest break should not exceed fifteen minutes, unless supervisory approval has been given for a period. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The Town will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Town will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's workspace, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Meal and Rest Breaks provisions set forth above and should refer to the applicable collective bargaining agreement.

403 **Emergency Situations**

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

Payment of Wages – Pay for FLSA 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 or part-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A temporary or seasonal 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. Such employee may choose to make up the time at a later date if agreed to by the Department Head. 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 Town Supervisor will initiate notification to all affected employees. A full-time or part-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A temporary or seasonal employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

Inclement Weather – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Town. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Town Supervisor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her Department Head prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth above and should refer to the applicable collective bargaining agreement.

404 **Time Records**

Policy Statement – Time records provide a means of accounting for time worked and authorized paid leave taken by employees. The Town uses various methods to collect this important information.

Procedures – Accurately recording time worked is the responsibility of every Town employee. It is the responsibility of the Department Head to verify all time worked. Time worked is all the time actually spent on the job performing assigned duties. Employees must report all hours worked, whether it is straight time, overtime or compensatory time. Accurate time cards/sheets must be submitted on a regular basis. The Department Head must review and sign the employee time card/sheet before it is submitted to payroll. All overtime and compensatory time must be approved by the Department Head.

Leave Tracking – Requests for time off, (vacation, compensatory) must be submitted in writing to the Department Head for approval. The Department Head is responsible for keeping track of all paid and unpaid leaves. This includes sick time and vacation time taken.

Correction of Errors – An employee must immediately bring errors in time records to the attention of the employee's Department Head who will investigate the matter and make and initial any correction if the error has been verified.

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 may complete the time record on behalf of the employee.

405 **Bonding**

Insurance – The Town will provide bonding insurance for an eligible employee who is required to act in a fiduciary capacity.

406 **Expense Reimbursement**

Policy Statement – Upon proper authorization of the Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A voucher with all required documentation and corresponding receipts must be submitted to the Town Clerk in order for the reimbursement to be processed.

Expense Approval – Each employee is expected to exercise reasonable judgment when incurring charges that will be submitted for reimbursement. Prior approval from the Department Head and/or Town Board will be required for significant or non-standard expenditures. The Town Board reserves the right to reject reimbursement requests that are deemed unreasonable or inappropriate.

Mileage – An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Town business will be reimbursed at the mileage rate established by the Town Board at the annual organizational meeting or the applicable collective bargaining agreement, as the case may be.

Ferriage – The Town will pay ferry fees for employees that are incurred in the legitimate performance of their duties. The Town will not pay ferry fees incurred as part of an employee's regular commute unless an arrangement for said reimbursement is part of a collective bargaining agreement or otherwise agreed to in writing by the Town prior to the employee's incurring the charge.

Education and Training – Upon proper authorization of the Town Board, an employee will be reimbursed for training courses that are directly related to the employee's present job. Employees must first seek approval from their Department Head before the request is presented to the Town Board.

Required Membership Fees – Upon proper authorization of the Town Board, an employee required to hold membership in a professional organization as part of the employee's job will be reimbursed for any required dues and/or fees.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Education and Training and Required Membership Fees provisions set forth above and should refer to the applicable collective bargaining agreement.

407 **Vehicle Usage**

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

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

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- Town vehicles must be assigned to specific Town 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-Town related business.
- Town 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 Town vehicles, and must report them to their Department Head. The Town is responsible and will pay for any fines which would typically be levied against the owner of the vehicle for infractions related to the vehicle itself.
- All vehicles are to be serviced periodically in accordance with the schedule established by Highway Department maintenance personnel.
- The person to whom a Town vehicle is assigned is responsible for the maintenance of the proper oil level, tire pressure, battery condition, and radiator water level, as well as making periodic checks on other mechanical features to ensure the vehicle is in safe operating condition.
- Any accident involving a Town vehicle, regardless of severity, must be reported immediately to the appropriate Department Head. The Department Head must file an accident report with the Town Supervisor's Office within twenty-four hours.
- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations.
- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Shelter Island, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head or the Town Board.
- Town vehicles may not be driven off of Long Island without written approval by the responsible Department Head.
- Town vehicles shall be kept clean, and personal material and/or debris shall be promptly removed.

- Town 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.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.

408 **Driver's License / Insurance Requirements**

Requirement – An employee who is required to drive either a Town-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Town, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the Town. If a personal vehicle is used to conduct business on behalf of the Town, the employee is responsible for ensuring liability insurance coverage meeting NYS requirements is appropriately maintained.

Commercial Drivers – An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. Proof of such license must be on file with the Town. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Town 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 continued employment with the Town, including termination of employment for inability to perform the duties of the job. The Town will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

Insurability Standards – It shall be solely the responsibility of a Town employee to meet or exceed all insurability standards, as established from time to time by the Town Board or the Town's insurance carrier, which are required for the use or operation of a Town vehicle. Any Town employee who has any of the following during the most recent three-year period will be deemed to have violated the insurability standard and will not be allowed to operate any Town vehicles:

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

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

409 Supplies, Tools and Equipment, and Fuel Usage

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

Tools and Equipment – The employee must repair or replace any Town-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any Town-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use Town facilities, Town-owned tools or equipment to work on vehicles or trailers not owned by the Town.

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

Supply Procedures – The clerk of each department is responsible for obtaining and disbursing all office supplies.

Each department shall submit an annual request for funding for all office supplies, supplemental request for additional funds must be approved by the supervisor.

All employees assigned to a department are to be provided with all reasonable and necessary supplies upon request.

Requests for any items not used in the normal course of business must be referred to and approved by the Department Head.

410 Telephone / Cell Phone / Electronic Device Usage

Application – This policy shall apply to all employees of the Town of Shelter Island and shall impose the minimum standards permissible. Where a department has implemented more rigorous standards, such requirements shall supersede those required in this policy.

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

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- An employee may not make or receive personal calls on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.
- The use of Town issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on Town business must be in compliance with all applicable laws.

Personal Cell Phone / Electronic Device Usage – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below. These guidelines do not apply to Town-owned cell phones that are issued for the specific use of an employee's job duties. Where the term cell phone is used in these guidelines, it shall be considered to include all types of portable electronic devices (e.g. iPads, Kindles, MP3 players, netbooks, etc.) The term personal device shall include all cell phones, tablets and computer and any other medium upon which information can be electronically viewed or stored.

- Use of a cell phone for personal purposes, including text messaging during work hours is permissible only on a limited basis for family matters and must not interfere with the performance of the employee's job duties. This restriction does not apply if the employee is on an authorized break or has permission from a supervisor.

- No web browsing, music, movies, or all other uses of cell phones will be allowed during working hours.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the Town.
- No public documents may be stored on personal electronic devices including cell phones, tablets or computers. Any Town related documents or information that are intentionally or inadvertently sent to or originating from a personal device must be forwarded to an official Shelter Island Town device and erased from the personal device.
- Employees are cautioned that any personal device used for Town related business may be subject to inspection and potential seizure under the Freedom of Information Law or in discovery upon initiation of a Court proceeding.

411 Use of Communication Systems and Equipment

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

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

Usage – All communication systems and equipment are provided to an employee for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the Town. No unauthorized or unlicensed hardware or software may be used or installed on any Town-owned computer. Any hardware or software necessary to perform job duties should be requested of the employee's Department Head.

The employee is responsible for control and custody of such devices. The employee is further responsible for ensuring that access to the device is password-protected so that Town information on that device is not accessible to anyone other than authorized persons.

Town's Right to Monitor Communication Systems and Equipment – There is no guarantee of privacy when using Town-owned communication systems and equipment. The Town reserves the right to enter, search, and monitor employee communication systems, equipment, and files, with or without advance notice, at any time in the normal course of business. Department Heads have the authority to inspect the contents of any Town communication systems, equipment, data/files, or electronic messages of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads and supervisors may be inspected by the Town Supervisor in the normal course of duty. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored, or deleted on such systems, including items that are password protected. Additionally, the Town has the authority to monitor and record each web site, chat room, and newsgroup visited on the Internet, and every electronic message and file transfer into and out of the Town's network or communication service. The Town may also monitor each employee's Internet activity and usage patterns to ensure that the Town's resources are being utilized for appropriate business purposes. Usernames and passwords are the property of the Town of Shelter Island. An employee may be required to disclose their username and password to a Department Head at any time.

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

Prohibited Uses – In addition to the requirements set forth above, the following uses of Town-owned communication systems and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity.
- Threats or harassment.
- Slander or defamation.
- Transferring, viewing, displaying, storing, distributing, editing, archiving, or recording of any discriminatory message, image, or material, or any obscene, graphic, or suggestive message, image, or material.
- Activity that is in violation of any provisions set forth elsewhere in this Employee Handbook.
- Any unauthorized commercial activity.
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing Town business.
- Using or aiding in the unauthorized use of another person's password.
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties).
- Use of non-business software.
- Gambling.
- Use of entertainment software, such as games and puzzles.
- Installation or use of any hardware or software, not authorized by the Town.
- Installation or use of Town-owned hardware or software for any use that is not Town related business.
- Installation or use of any unauthorized or unlicensed hardware or software.
- Installation of any software containing viruses.
- Uploading of personal files to Town owned devices as this may subject such files or information to production under the Freedom of Information Law.

Internet / Electronic Messaging Requirements

Town Provided Email – The Town provides Internet / electronic messaging services for official or work-related purposes. All Town employees and committee members who generally need to communicate via email will be issued a Town account. Anyone issued a Town account shall use only that account for any Town related communications. Electronic messages (e-messages) include but are not limited to e-mails, text messages, blogs, instant messages and posting to social networking or other sites. Approval must be given by the employee's Department Head or supervisor, subject to further approval of the Town Supervisor.

All emails that constitute public records must be maintained for six (6) years. The Town has retained an outside firm to archive all emails sent and received from town servers. Thus, employees need not keep all emails on the server. Any substantive emails should be printed out or saved to a computer file.

Training – The Department Head is responsible for training employees on the basics of Town Emails, including ownership by the Town, retention policy and maintaining business and personal emails separately.

The Town will periodically provide mandatory cyber security training. Completion of this training by all employees is required.

Use of Personal Email / Electronic Messaging for Town Business – For those who are provided with a Town email account, all Town communications should be sent only to or

from that address. Any personal account used to communicate town business could subject that account and the personal computer from which it is sent to production under the Freedom of Information Law. Any email Town related communication inadvertently sent to a personal device should be immediately forwarded to a Town account and erased from the personal device.

Any person who is not issued a Town email account, including any part time employees or volunteers, must provide the Town with an email address at which they can be reached.

Changes of Status – When an employee leaves Town service all emails to the departing employee will be forwarded to a new address created for the incoming employee. If the departing employee is not replaced, emails will be retained for one year and then deleted.

Proper Usage – In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet / e-messaging service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town. The Department Head is responsible to ensure that all employees are trained and proficient with regard to email functions and policy. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- Email and Electronic Messaging (“E-Messages”) must be used in a professional manner.
- E-Messages must not be threatening, insulting, obscene, abusive, or derogatory.
- E-Messages must not include content that constitutes workplace harassment including sexual harassment.
- E-messages may not be used to transmit chain letters.
- Employees are responsible for saving any e-messages that they want to keep permanently.
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity.
- E-messages must not involve personal not-for-profit solicitations.
- E-messages must not potentially embarrass the Town.
- Passwords should not be given to anyone other than the employee’s Department Head or supervisor.
- Internet must not be used for the propagation of computer viruses.
- Internet must not be used for personal recreational activities (e.g. online games).
- Participation in non-business Internet chat groups, blogging or instant messaging is prohibited.
- As a security precaution, a workstation must not be left signed onto E-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day.
- Employee Internet usage and e-messaging may be subject to filtering and may be monitored.
- Employees should be aware that deletion of any E-message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management.
- Employees should ensure that no personal correspondence appears to be an official communication of the Town.

- Employees may not use the Town's address for transmitting or receiving personal mail or use the Town's e-mail address for transmitting or receiving personal e-messages.
- All email should be responded to or at least acknowledged in the same business day.
- Email subject lines should be descriptive of the communication and all attachments should use proper nomenclature identifying the document and the latest revision date.

Security – The Town's computer support vendor maintains a firewall, anti-virus and anti-spam filter with regard to Town Emails.

- No employee is permitted disable the computer security features.
- Unsolicited email with suspicious attachments should be reported to the Department Head and to the Town's computer support vendor.
- Do not open any attachment to an email or click on any link that you are not certain is safe.
- All users must employ passwords and dual factor authentication, if required, to access their Town email.
- Do not share your email password or otherwise give access to your Email to anyone. If such access is obtained, immediately change your password.

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

Reliability – Users should be aware that because the internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The Town is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the employee's Department Head. Once the employee's Department Head is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

Disciplinary Action – Any employee who violates this policy will be subject to disciplinary action including but not limited to: verbal warning, transfer, suspension, and termination. An employee may be responsible for the cost of equipment and/or cyber response if an investigation determines that the employee did not exercise due care in using and monitoring Town computer equipment. A copy of this policy will be given to all employees.

412 Social Media

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

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

Usage During Meal and Rest Breaks – Employees are responsible for exercising good judgment when using Town-owned computers or communication equipment to access Social Media sites while on a meal and rest break. The Town's right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Town computers or communications systems.

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

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

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

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

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

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the appropriate Department Head. Once the Department Head is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

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

413 Personal Appearance

Policy Statement – It is the policy of the Town that each employee’s dress, grooming and personal hygiene should be appropriate to the work situation.

Standards – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear attire that is inappropriate for the work environment. Employees should wear clothing that is appropriate for the particular work environment. Department Heads will determine and enforce what is appropriate in each department.

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

Uniforms / Standard Clothing – An employee may be required to wear a uniform or standard Town issued clothing as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements. Attire should conform to the dress code for the duties being performed (e.g. Lifeguard).

Identification Cards – Full-time employees will be issued a photo identification card which must be carried at all times during working hours. An employee may be required to produce the card to verify their status as a Town employee. Requirements for appropriate use of identification cards will be established by each Department Head in accordance with the needs and operations of the department.

414 Solicitations/Distributions

Policy Statement – It is the policy of the Town to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

During Working Hours – An employee may not distribute literature or solicit other employees during working hours without approval from the appropriate Department Head.

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

415 Disclosure of Information

Policy Statement – The Town of Shelter Island promotes open government and complies with all requirements regarding public access to information. However, the Town recognizes that certain documents, records, and other information pertaining to Town operations and activities contain sensitive and confidential information about Town residents and others who do business with or on behalf of the Town and/or its residents. Such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other Town employees, family members or friends who do not have a Town business reason to have such information.

Responsibility for Security of Confidential Information – Elected Officials, Department Heads and employees are responsible for maintaining the security of documents, records and other information that fall within their department operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the Town Attorney.

Employee Personal Information – An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

416 Mail

Policy Statement – All mail not marked “personal” is to be opened and distributed by the Department Head or such person's designee.

Receipt of personal mail at the office is discouraged, but any mail marked “personal” is to be held unopened by the Department Clerk pending retrieval by the addressee.

The Town reserves the right to screen and read any mail that is received.

417 Visitors

Policy Statement – It is the policy of the Town that personal visitors are permitted only for very brief periods during working hours. Visitors must not be allowed access to areas that are designated as non-public spaces.

418 Purchasing / Credit Cards

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

419 Maintenance of Work Area

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

Employee Responsibility – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified in this Employee Handbook;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

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

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

420 Personal Property

Policy Statement – It is the policy of the Town to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The Town recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

Personal Liability – An employee is expected to exercise reasonable care to safeguard personal items brought to work. Except as otherwise provided by a collective bargaining agreement, the Town will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

Storing Personal Belongings on Town Premises – An employee is prohibited from storing personal belongings such as motor vehicles, boats, trailers, televisions, computer equipment, etc. on Town premises. The Town reserves the right to have any such items removed at the owner's expense.

Security Inspections – Desks, lockers and other storage devices may be provided for the convenience of employees but remain the sole property of the Town. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the Town at any time, with or without notice. The inspection may or may not be made in the presence of the employee. The Town is not responsible for loss or damage to personal property placed in such storage devices.

421 Town Property

Employee Responsibility – An employee will be responsible for any item issued by the Town which is in the employee's possession and/or control, such as, but not limited to the following:

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Communication Devices
- Laptop computers and peripherals
- Books or other Reference Materials, including this Employee Handbook

Return of Property – Except as otherwise provided by a collective bargaining agreement, all Town property must be returned to the Town before the employee's last day of work.

422 Unauthorized Work

Policy Statement – An employee may not perform work for any entity other than the Town during the employee's authorized work hours, or claim that Town work was done when such is not the case. Employees must devote their full scheduled shift to Town business, as assigned.

423 **Outside Employment**

Policy Statement – It is the policy of the Town that an employee may engage in outside work as long as such outside work does not interfere with the employee’s performance standards, pose an actual or potential conflict of interest, or compromise the interests of the Town.

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

- An employee will be judged by the same performance standards and will be subject to the Town’s scheduling demands, regardless of any existing outside work requirements.
- If the Town determines that an employee’s outside work interferes with the performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Town.
- No Town equipment, supplies, or other material may be used by an employee for purposes other than Town work.
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from any entity outside of the Town for materials produced or services rendered while performing the employee’s Town job.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Town.
- A Town employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee’s own time and that the employee is not representing the Town while performing such work.

Employee Responsibility – A Town employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Department Head.

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

500 ABSENCE POLICIES

501 Attendance

Except as otherwise provided by a collective bargaining agreement, the following procedure 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 a co-worker prior to the employee's scheduled starting time (or as soon thereafter as possible). The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

Daily Notification – In the event an employee is unable to report to work, the employee must notify the employee's Department Head each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be adjusted according to circumstances.

Scheduled Absences – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis. Refer to Section 702, Vacation Leave, and Section 704, Personal Leave, for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's Department Head or a co-worker prior to the employee's scheduled starting time (or as soon thereafter as possible). The employee must indicate the reason for the absence and when the employee expects to return to work.

Unexcused Absences – Notification of an absence to an employee's Department Head does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head 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 receive permission from the employee's Department Head prior to leaving.

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

Documentation of Absences – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

502 Jury Duty Leave

Jury Leave – In the event a full-time or part-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the Town is paying the employee's full pay during jury duty. If the employee receives a jury stipend from the courts, such amount must be reimbursed to the Town. An employee can collect and keep any mileage or parking expense reimbursement that may be issued by the court system for performing jury duty.

The Town shall pay a temporary or seasonal employee up to \$40 of the employee's wages for the first three days the employee serves jury duty if on those days the employee is scheduled to work for the Town. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on jury duty.

Notification of Jury Duty – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's Department Head.

Return to Duty – In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

Accrual of Benefits – The Town 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.

503 Military Leave and Military Leave of Absence

Military Leave (New York State Law) – This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The Town of Shelter Island 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 Town 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 any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

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

504 Leave for Cancer Screening

Policy Statement – The Town of Shelter Island complies with New York State Civil Service Law §159-b which entitles all Town employees to paid leave to undertake screening for cancer. This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

Allowance – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for cancer. Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

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

Documentation Requirements – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

505 Leave for Blood and/or Bone Marrow Donations

Policy Statement –The Town of Shelter Island complies with New York State Labor Law §§202-a and 202-j which entitle Town employees who work an average of twenty hours or more per week to time off from work to donate blood and/or to undergo a medical procedure to donate bone marrow. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for these purposes.

Blood Donation Allowance – An employee may take unpaid leave of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment. The Town may require the employee to provide proof of blood donation.

Bone Marrow Donation Allowance – An employee may take unpaid leave in order to donate bone marrow as well as to recover from the procedure and for resulting medical care. The employee's physician will determine the amount of leave required by the employee. However, the leave may not exceed 24 work hours unless additional leave is agreed to by the Town. There is no limitation on how frequently an employee may take such leave. The Town may require the employee to provide proof of bone marrow donation.

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

506 Time Off To Vote

Policy Statement – The Town encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. Arrangements can be made to allow as much working time off as will enable voting during the workday, without loss of pay.

Procedures – An employee is required provide notification as to the need for working time off to vote and must request this time off from their Department Head at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled in a manner which causes the least disruption to departmental operations. This time off shall be allowed either at the beginning or end of the employee's work schedule, as determined by the Department Head.

507 **Bereavement Leave**

Eligibility – In the event of a death of a full-time employee’s immediate family member, the employee may take a paid leave for up to four consecutive days from the employee’s regularly scheduled work. Such leave will not be subtracted from any of the employee’s leave credits. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Definition of Immediate Family – For purpose of bereavement leave, “immediate family member” will mean the following, and will include such relatives in a step-family relationship:

- Spouse
- Parent
- Sister-in-law
- Mother-in-law
- Daughter-in-law
- Grandparent
- Niece
- Child
- Sibling
- Brother-in-law
- Father-in-law
- Son-in-law
- Grandchild
- Nephew
- The employee's same-sex committed partner* or the child, parent or other relative (categorized above) of the committed partner

**Defined under NYS Civil Rights Law §79-n, same-sex committed partners are those who are financially and emotionally interdependent in a manner commonly presumed of spouses.*

Extended Bereavement Leave – With authorization from the employee’s Department Head, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement leave. The Department Head will have total discretion in the approval of an employee’s extended bereavement leave, based upon the needs of the department.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Bereavement Leave provisions set forth above and should refer to the applicable collective bargaining agreement.

508 **Volunteer Firefighters / Emergency Responders**

Except as otherwise provided by a collective bargaining agreement, the following policy shall apply regarding those employees who are volunteer firefighters or emergency responders:

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

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

Responding to Calls During Paid Leave – If the employee is on a paid leave from the Town and the employee responds to a call, the employee will not receive additional compensation from the Town and the employee’s appropriate leave time will still be charged.

509 **Family and Medical Leave Policy**

Statement of Compliance – The Town of Shelter Island complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

Summary – FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is calculated as the twelve month period measured forward from the date of the employee's first FMLA leave usage. The FMLA also provides an eligible employee with up to twenty-six weeks of *Military Caregiver Leave* to care for a covered service member (limited to a single twelve-month period). 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 other terms and conditions of employment, 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 Town for at least twelve months as of the first date of requested leave (these need not be consecutive);
- The employee must have worked for the Town for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.
- Spouses who both work for the Town 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 FMLA Leave – Eligible employees will be afforded up to twelve workweeks of unpaid leave under **FMLA** under the following circumstances:

- 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;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and

- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

Military Caregiver Leave – Eligible employees will be afforded up to twenty-six weeks of leave to care for the employee's spouse, son, daughter, parent, or nearest blood relative who is a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member's office, grade, rank or rating. This leave shall only be available during a single twelve-month period. During this single twelve-month period, the employee shall be entitled to a combined total of twenty-six workweeks of caregiver leave described in this section and the **Types of FMLA Leave** section described above. Nothing in this paragraph shall be construed to limit the availability of FMLA leave provided under the **Types of FMLA Leave** section above. For the purposes of this type of leave, "nearest blood relative" shall include the following in order of priority: a relative who has been granted legal custody of the covered service member, brothers, sisters, grandparents, aunts, uncles and first cousins, or a specific blood relative who has been designated as a service member's caregiver. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members are considered to be next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

Qualifying Exigency Leave – Eligible employees who work for the Town may take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter, or parent. FMLA leave for this purpose is called qualifying exigency leave. Qualifying exigencies may arise when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. (Covered active duty is further defined in Department of Labor regulations.) For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.

The Department of Labor has identified nine broad categories of qualifying exigencies. If the military member is on covered active duty, the employee may take FMLA leave for the following qualifying exigencies:

- Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment.
- Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.
- Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new

school or day care facility. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).

- Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military member when the member was a child).
- Making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.
- Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.
- Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.
- Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral.
- Any other event that the employee and employer agree is a qualifying exigency.

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, full 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 “chronic serious health condition” requires periodic visits to a health care provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
 - **Family Member** will mean and refer to:
 - * **Spouse** – means husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a State that recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.
 - * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined 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 to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. This notice may be written or verbal, however, additional medical certification may be required for final approval of the absence as qualifying under the FMLA. 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, notification must be provided as soon as possible and practical.

Extension of Original Leave Request – In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the employee must submit a new Family and Medical Leave Request Form seeking approval for the extension.

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

Medical Certification – The employee may be required to produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the Administrative Assistant. 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 Town of Shelter Island reserves the right to request a second opinion by another health care provider. The Town will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the Town may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Town and the employee. This third opinion will be final and binding.

Leave for the Birth, Adoption or Foster Care Placement of a Child – Leave for the birth of a child or the placement of a child for adoption or foster care must conclude within twelve months from the date of the birth or placement.

Certification for Adoption/Foster Care – An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

Employment Restrictions During Leave of Absence – While on an approved leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the Town of Shelter Island.

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

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** has the option of using available vacation leave credits during the authorized FMLA leave. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.

For leaves taken due to the **employee's own serious health condition**, the employee must first use all sick leave credits, with the option to use vacation leave credits, which will be included in the maximum twelve-workweek period. However, in the event that the paid leave credits are greater than the maximum twelve-workweek period, an employee may use paid leave credits to **extend** the leave of absence beyond the twelve-workweek period, **up to a maximum of one year**. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Town Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Suffolk County Civil Service Rules*.

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized FMLA designated leave, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve workweek period, the employee should refer to Sections 711 – Short Term Disability and 712 – Workers Compensation regarding additional medical insurance coverage provisions.) 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 designated period of FMLA leave has been exhausted, the employee may continue coverage with responsibility for payment of the full premium amount under COBRA (see Section 709) provisions (unless a premium waiver is granted by NYSHIP.) In addition, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
 - * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
 - * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse

is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

Workers' Compensation and Short-Term Disability Benefits – Leaves taken under the Workers' Compensation Law or the Town's Short-Term Disability Policy may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the Town designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits or short-term disability benefits, the Town cannot require the employee to use paid leave credits during this period of leave, however, the employee may choose to do so to supplement those benefits to equal but not exceed their normal rate of pay. If the workers' compensation leave or short-term disability leave has been properly designated as FMLA leave by the Town, it can be counted against the employee's FMLA leave.

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their Department Head for further details regarding this provision.

Return to Work – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Suffolk County Civil Service Rules*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. 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 two business days prior to the date the employee is able to return. The Department Head shall in turn notify the Town Supervisor.

510 Other Unpaid Leave of Absence

Policy Statement – Subject to the approval of the Town Supervisor, unpaid leaves of absence other than under the Family and Medical Leave Policy may be available to an employee for personal reasons including, but not limited to, family responsibilities and education.

Request for Unpaid Leave – The employee must submit a request and the reasons for the leave, in writing, to the Department Head and Town Supervisor at least thirty calendar days prior to planned commencement of the requested leave. Shorter notification may be permitted in cases of emergency. The Town Supervisor has sole discretion in approving such leave.

Conditions of Leave – The Town Supervisor, in conjunction with the Department Head, will specify the duration of an unpaid leave of absence and may impose such other terms, conditions and restrictions on the employee as deemed appropriate. The maximum duration of an unpaid leave of absence may not exceed two calendar weeks, subject to renewal.

Continuation of Benefits – An employee on an approved unpaid leave of absence may continue to be eligible for medical insurance coverage in accordance with COBRA.

Disability benefits and accruals for leave benefits shall be suspended.

Return to Work – An employee who fails to return from an unpaid leave of absence at the scheduled expiration date without giving proper notice or receiving proper authorization shall be conclusively presumed to have voluntarily resigned from employment.

Change in Status – If the reason for the unpaid leave of absence changes, the employee must return to work.

600 COMPENSATION

601 *Wage and Salary*

Rate of Pay – An employee’s rate of pay will be established by the Town Board.

Merit Increases – An employee may receive a pay increase based upon the employee’s past performance. The merit increase will be granted at the discretion of the Town Board.

Longevity Recognition – After an employee has completed the number of years of service listed below, the employee will receive the corresponding longevity payment.

<u>Employees hired prior to May 13, 2016</u>	<u>Employees hired May 13, 2016 or after</u>
After 5 years of service: 5% of the base salary	After 5 years of service: \$1,000
After 10 years of service: 10% of the base salary	After 10 years of service: \$2,000
After 15 years of service: 15% of the base salary	After 15 years of service: \$3,000
After 20 years of service: 20% of the base salary	After 20 years of service: \$4,000

Note: upon separation of employment, the earned portion of the longevity payment will be made to the employee, prorated based on the date of separation. The years of service shown above refer to continuous service.

These payments are noncumulative and shall be paid in a lump sum each year on the employee’s anniversary date of employment, and will be treated as part of the employee’s gross income and will be subject to the appropriate withholding for income and payroll tax purposes..

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Wage and Salary provisions set forth above and should refer to the applicable collective bargaining agreement.

602 *Overtime / Compensatory Time*

Authorization – A Department Head may require an employee to work additional hours beyond the employee’s normal workday and workweek. An employee must receive prior approval from the employee’s Department Head or supervisor before working additional hours.

FLSA Exempt Employees – FLSA 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 – The employee will be compensated for overtime as may be required as follows:

- (1) If the employee’s regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e. 30 to 35 hours per week, and 1½ times the regular hourly wage for over 35 hours per week; if the employee’s regular

workweek consists of 35-40 hours per week, at the rate of 1½ times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or

- (2) Compensatory time-off at the discretion of the Department Head, if the employee's regular workweek consists of 30 hours per week, at the rate of one hour off for each hour worked for the first five hours of overtime, i.e. 30 to 35 hours per week, and 1½ hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35-40 hours per week, at the rate of 1½ hours off for each hour of overtime worked in excess of the employee's regular workweek

Accumulation of Compensatory Time – An employee may accumulate no more than 80 hours in compensatory time credits. In the event an employee has reached that limit, 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 time 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. Use of compensatory time off requires Department Head approval.

Credit for Paid Leave – Personal leave, vacation leave, sick leave, bereavement leave, cancer screening leave, jury duty leave, military leave and holidays will be included as time worked for the purpose of computing overtime. Compensatory time-off will not be included as time worked for the purpose of computing overtime.

Termination from Employment – An employee whose employment with the Town 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.

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

603 Call-In Pay

Compensation – In the event an FLSA non-exempt employee is called in to work outside of the employee's regularly scheduled work shift, the employee shall be credited for pay purposes with the greater of either four hours time, or the time actually worked. "Time actually worked" will be considered to start at the time of notification to report.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Call-in Pay provisions set forth above and should refer to the applicable collective bargaining agreement.

604 Pay Period and Check Distribution

Payroll Period – Normally, employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period. Certain employees may be paid on a different schedule as established by the Town Board.

Payday – Under normal circumstances, paychecks will be issued on a Friday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

Direct Deposit – The Town provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Confidential Secretary to the Supervisor.

Authorized Check Release – The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the Confidential Secretary to the Supervisor.

605 Payroll Deductions

Statutory Deductions – The required portion of an employee's pay for federal and state taxes, and any other deduction required by law, will be deducted from the employee's paycheck. Such deductions will be noted on the paycheck.

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

606 Deferred Compensation Plan

Summary – The Town of Shelter Island has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. At the employee's option, the money may be withheld in one of two manners: (1) On a pre-tax basis, whereby neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. The money saved is paid out to the employee at a later date, generally during retirement years. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. OR (2) On a post-tax basis, whereby taxes are paid on the deferred amount, but any withdrawal of the invested money and any associated earnings will not be subject to future Federal and State Income Taxes if a qualified distribution is made. A further description of the plan and options may be obtained from the Administrative Assistant.

700 EMPLOYEE BENEFITS

701 *Holidays*

Designated Holidays – The Town of Shelter Island will observe the following holidays:

1. New Year's Day
2. Martin Luther King Day
3. Lincoln's Birthday
4. Presidents' Day
5. Good Friday
6. Memorial Day
7. Juneteenth (beginning in 2022)
8. Independence Day
9. Labor Day
10. Columbus Day
11. General Election Day
12. Veterans' Day
13. Thanksgiving Day
14. Christmas Eve***
15. Christmas Day

*A full-time employee shall be permitted a paid day off in recognition of the employee's birthday. This day off may be taken on the actual birthday or on an alternate date requested of and approved by the Department Head.

**A full-time employee is credited with one floating holiday each January 1 which must be used during that calendar year. A newly hired full-time employee will be granted a floating holiday for use during the first calendar year of employment only if the employee's date of hire is prior to July 1. An employee must receive prior approval from the employee's Department Head to take the floating holiday.

***Christmas Eve will be observed as a holiday only if it falls on Monday through Friday.

Eligibility – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay. (Part-time employees paid on a salary basis will receive their regular pay during a pay period in which a holiday occurs.)

Holiday Observance – In the event a designated holiday (except Christmas Eve) occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday (except Christmas Eve) occurs on a Sunday, the holiday will be observed on the following Monday.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Holidays provisions set forth above and should refer to the applicable collective bargaining agreement.

702 **Vacation Leave**

Eligibility – A full-time or part-time employee is eligible for paid vacation leave in accordance with this policy. A temporary or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

New Employees – A newly hired full-time employee will receive a prorated amount of vacation leave based upon an annual allowance of 10 days. The following January 1, the employee will be credited with ten days of vacation leave. After that date, the employee will follow the schedule below.

Leave Accrual for Full-Time Employees – A full-time employee will be credited with paid vacation leave as indicated in the following chart. Vacation leave is based on the average number of hours an employee is normally scheduled to work each week. The employee will be credited with vacation leave on January 1 of each year. An employee may take vacation leave only after it has been credited.

Length of Service on January 1:	Annual Vacation Leave Credited:
Less than 5 years continuous service	10 days
5 to 9 years continuous service	15 days
10 to 14 years continuous service	17 days
15 to 19 years continuous service	20 days
20 to 24 years continuous service	25 days
25 or more years continuous service	30 days

Continuous Service – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

Leave Accrual for Part-Time Employees – A part time employee will accrue 24 leave hours total per year. The accrual is per biweekly pay period, which means a little less than one hour per pay period.

The accrual is based on the employee's average weekly accrual. The employee is not docked leave for weeks involving less than 20 hours, or get extra time for weeks involving over 20 hours.

Scheduling – An employee must receive prior approval from the employee's Department Head to take vacation leave. Vacation leave credits may not be used in increments of less than one hour. The Department Head will have total discretion in the approval of vacation leave.

Accumulation – An employee may carry over vacation leave into the next year. The maximum amount that may be carried over will be equal to the employee's annual leave allotment. Any vacation leave in excess of that amount that remains at the end of the last business day of the calendar year shall be cancelled.

Holiday During Scheduled Vacation – In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

Separation of Employment – After completing a minimum of one year of continuous service, an employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the Town will pay an employee's designated beneficiary for any unused vacation leave.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Vacation Leave provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

703 Sick Leave

Eligibility – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

New Employee – A newly hired employee will be credited with a prorated amount of sick leave upon hire. The number of sick days credited will be based upon an annual allotment of 22 days, prorated by the amount of time remaining in the calendar year after the date of hire, i.e. 1.83 days per month.

Allowance (Hired prior to May 13, 2016) – An employee shall be entitled to 30 paid sick days per year. Each employee shall be permitted to accumulate sick days to a maximum of 60 days at any one time.

Allowance (Hired after May 13, 2016) – An employee shall be entitled to 22 paid sick days per year. Sick days may be accumulated to a maximum of 90 days at any one time.

Accrual During Leaves of Absence – An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the Department Head or a co-worker prior to the employee's scheduled reporting time, or as soon thereafter as possible. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

Proper Use of Sick Leave – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical/dental appointment that inhibits the employee's ability to work. Sick leave credits may not be used in increments of less than one hour. An employee may take sick leave only after it has been credited.

Family Sick Leave – An employee may use up to five days of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave

credits. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including step-child and foster child, or any member of the employee's household.

Medical Verification – The Town may require medical verification of an employee's absence if the Town perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury. The Town reserves the right to require medical verification of an employee's ability to resume work duties, with or without restrictions, following an absence due to an injury or illness resulting in physical impairment(s). If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Employee Handbook shall apply.

Abuse of Sick Leave – An employee who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

Separation of Employment – An employee whose employment with the Town is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Sick Leave provisions set forth immediately above, **except** for Proper Use of Sick Leave, Medical Verification, and Abuse of Sick Leave, and should refer to the applicable collective bargaining agreement.

704 Personal Leave

Eligibility – A full-time employee is eligible for paid personal leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

Allowance – A full-time employee will be credited with three days of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. Personal leave is based on the average number of hours an employee is normally scheduled to work each week.

New Employee – A new employee will be credited with a prorated amount of personal leave upon hire, based upon the amount of time remaining in the calendar year.

Proper Use of Personal Leave – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave.

Scheduling – An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave. Personal leave credits may not be used in increments of less than one hour.

Accumulation – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be canceled.

Separation of Employment – An employee whose employment with the Town is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Personal Leave provisions set forth immediately above, **except** for Proper Use of Personal Leave and Scheduling, and should refer to the applicable collective bargaining agreement.

705 Disclosure of Insurance Benefits

Summary – The following is a brief description of the insurance benefits currently offered by the Town to eligible employees. Eligibility for benefits is dependent upon a variety of factors, including employment classification and length of service. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

Plan Administrator – The Administrative Assistant serves as the Administrator of the Town's benefits plans. The Administrator is responsible for all communications and disclosures concerning Town benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Administrative Assistant.

Plan Documents – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Town policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the Town Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The Town Board is responsible for compliance with all applicable laws and regulations. The Town Board may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in carriers and/or plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

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

Waiver of Benefits – An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form.

Enrollment Information – The Administrative Assistant will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

Changes in Status – Employees whose status changes from full-time to part-time are notified of the changes to their Town benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Administrative Assistant 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.

Beneficiary – Under some of the Town's benefit plans, each employee must designate a beneficiary for the employee's death benefits. This designation must be made in writing and on the form provided by the Plan Administrator.

706 **Medical Insurance**

Eligibility – The Town currently offers medical insurance coverage to each full-time employee, each Elected Official, and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

When Coverage Begins – Coverage will begin on the first day of the month after the employee's completion of 90 days of full-time employment, or for Elected Officials, completion of 90 days in office, provided all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage ends on the last day of the month in which the employee separates from employment or the Elected Official ends elected service. Coverage may continue for such eligible employees and Elected Officials in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with Town policy and plan documents.

Premium Payment – The amount of the insurance premium an employee or Elected Official is required to contribute is established by resolution of the Town Board. This may be stated as a specific dollar amount or as a percentage of the premium cost. Factors such as date of hire or commencement of office, and type of coverage (single, double, family) are considered when determining the required contribution. Contribution amounts are subject to change by resolution of the Town Board. Full details are available from the Administrative Assistant.

Changes in Premium Contributions – The amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the Town Board.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

707 Medical Insurance Buy-out

Eligibility – A full-time employee or Elected Official who is eligible for medical insurance coverage made available through the Town may receive a cash buy-out in lieu of receiving medical insurance benefits. To be eligible for the medical insurance buy-out, the employee must provide documentation of comparable medical insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of medical insurance coverage and waiver of liability to the Town. The medical insurance buyout is not applicable in a situation in which two employees are married or in a family relationship that makes both eligible for coverage under the same medical insurance plan. Eligibility for the medical insurance buyout ends upon an employee's retirement.

Amount of Buy-out – An employee or Elected Official who is eligible for the medical insurance buy-out will receive 50% of the cost savings for the coverage which is being waived. (Cost savings will be calculated considering the amount of the premium contribution the employee would otherwise be required to pay.)

Method and Form of Payment – Payment of the buy-out will be made in a separate check during regular payroll periods. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee's gross income and will be subject to the appropriate withholding for income and payroll tax purposes. Payments made to an employee under the provisions of this buy-out option are excluded from NYS Retirement System earnings calculations.

Reinstatement – In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under a medical insurance plan made available through the Town. Coverage will become effective in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the insurance plan. Upon reinstatement, the employee must refund any portion of the payment that may have been received for a period in which the Town will subsequently provide coverage for said employee.

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

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance Buy-out provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

708 **Medical Insurance for Retirees**

Coverage – The Town currently offers medical insurance coverage to an eligible full-time employee or Elected Official who retires from the Town. Coverage is also currently available for eligible dependents (includes spouse) if they were covered under the Town's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

Eligibility – To be eligible for coverage, the retiree must meet certain requirements based upon their original hire/elected date:

Hired/Elected before 4/22/16:

Must have at least ten years of continuous service with the Town; and (1) be at least 55 years old and employed by the Town on the last date immediately prior to retirement into the NYSERS; or (2) have been employed by the Town as his/her last public sector employer, and have continuously self-paid his/her health insurance premiums to, and remained enrolled in the Town's health insurance plan between the last date of service with the Town and the date of vesting and receipt of benefits from the NYSERS, whichever is applicable, as set forth in the NYSERS Rules and Regulations (Part 256).

Hired/Elected on or after 4/22/16:

Must have at least twenty years of continuous service with the Town; and (1) be at least 55 years old and employed by the Town on the last date immediately prior to retirement into the NYSERS; or (2) have been employed by the Town as his/her last public sector employer, and have continuously self-paid his/her health insurance premiums to, and remained enrolled in the Town's health insurance plan between the last date of service with the Town and the date of vesting and receipt of benefits from the NYSERS, whichever is applicable, as set forth in the NYSERS Rules and Regulations (Part 256).

Premium Payment – The Town will pay a specified percentage of the premium for individual or family medical insurance coverage, as the case may be, for each eligible retiree based upon their original hire/elected date:

Hired/Elected prior to 9/1/04

The Town will pay the full premium cost for individual or family medical insurance coverage.

Hired/Elected after 9/1/04 but before 3/1/09

The Town will pay 85% of the premium cost for individual or family medical insurance coverage.

Hired/Elected after 3/1/09

The Town will pay 80% of the premium cost for individual or family medical insurance coverage.

Plan – The Town will make available the same medical insurance plans offered to then current employees. The Town Board may, at its discretion, change the plans at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier. Coverage under a medical insurance plan made available through the Town will continue until the retiree or eligible spouse, as the case may be, meets the eligibility criteria for

Medicare coverage, at which time primary coverage will be provided by Medicare. At that time, the retiree and eligible spouse may be required to change medical insurance plans in order to maintain supplemental coverage.

Medical Insurance Buy-out Participants – Participation in the Town’s Medical Insurance Buy-out program will be considered participation in an alternate agency sponsored plan for the purpose of establishing eligibility to continue NYSHIP coverage in retirement. This includes those employees who leave active service during the buy-out period either as a result of retirement incentive or due to layoff. Retirement during the buy-out period will be considered a qualifying event for the purpose of enrolling in NYSHIP immediately upon retirement; however, an employee who establishes eligibility to continue NYSIP in retirement and is participating in the buy-out, may defer enrollment as a retiree until a later date, subject to normal late enrollment waiting periods and buy-out program rules, if still applicable to retirees. The Town will ensure that adequate documentation is maintained for those who participate in the buy-out program and establish eligibility to continue coverage in retirement.

Changes in Eligibility Requirements and Premium Contributions – Both eligibility requirements and the amount of the insurance premium the Town will contribute are subject to change by resolution of the Town Board.

Medicare Part B Reimbursement – The Town will reimburse an eligible retiree and the retiree’s spouse for the cost of the Medicare Part B premium. Such reimbursement will cease for both the retiree and the retiree’s spouse upon the death of the retiree. Reimbursement will also cease for a spouse upon legal separation or divorce. The Town Board may, at its discretion and in accordance with plan documents, modify or eliminate this reimbursement for any retiree or retiree’s spouse.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance for Retirees provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

709 **Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)**

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

NYS Continuation Coverage – For purposes of this policy, references to COBRA will be considered to incorporate the requirements for “Continuation Coverage” set forth in NYS Insurance Law, which provides enhancements over and above the provisions of 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.

Period of Coverage – COBRA coverage is in effect for a period of **up to thirty-six months**, following any qualifying event. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation 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. Any of the following circumstances are considered to be qualifying events:

- Termination of the covered employee’s (or Elected Official’s) employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee or Elected Official.
- Divorce or legal separation from a covered employee or Elected Official.
- A covered dependent ceases to be a “dependent child” under the health insurance plan.
- 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.

Change in Beneficiary Status – An employee or Elected Official must notify the Administrative Assistant 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 Town 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 Administrative Assistant 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 Administrative Assistant within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

710 Optional Insurance

Summary – The Town may make available optional life, dental, disability, cancer, accidental, or other forms of insurance. The full cost of such insurance shall be borne by the employee, the premiums of which may be voluntarily withheld from the employee's paycheck. Please contact the Confidential Secretary to the Supervisor for further information on optional insurance plans.

711 Workers' Compensation Benefits

Coverage – The Town will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers an accidental injury arising out of and in the course of employment, as determined by the Workers' Compensation Board. Eligibility for coverage is determined by applicable Workers' Compensation regulations.

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

Premium Payment – The Town will pay the full premium for Workers' Compensation coverage for each eligible employee.

Reporting of Injury – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury, even if it does not result in a claim being filed. The Department Head will notify the Administrative Assistant who will complete and submit the required forms. The employee must also complete an "Employee Claim Form C-3" and submit it directly to the Workers' Compensation Board. The Administrative Assistant will provide the employee with the necessary form. (Note: Members of the Police Department should follow internal reporting procedures in the event of a work related injury. Police Officers may be covered for certain workers' compensation benefits pursuant to Section 207-c of the General Municipal Law.)

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

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Use of Sick Leave Credits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.

712 **Short-Term Disability Benefits**

Eligibility – A full-time or part-time employee is currently provided with short-term disability coverage in accordance with this policy. A temporary or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

Summary – The Town currently offers a short-term disability plan for non-job-related injuries or illnesses that meets the minimum requirements of New York State Disability Insurance. The insurance company makes the determination of whether an employee is eligible for short-term disability benefits. Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. Benefits may continue up to a maximum of twenty-six weeks. An employee generally receives 50% of the employee's average weekly wages based on the previous eight weeks of employment, up to a maximum of \$170 per week. There is no coverage for medical care.

Waiting Period – There is a 7-day waiting period for which no benefits are paid. Benefits start on the eighth consecutive day of disability.

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

Disability Payments – Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. There may be a waiting period before an employee can become eligible for disability payments. Full details regarding the policy currently in effect are available from Administrative Assistant.

Premium Payment – Employees contribute a small amount, as specified by the Town Board, towards short-term disability coverage. The remaining portion is paid by the Town.

Reporting of Illness or Injury – The employee must submit a written report of the illness or injury on the proper application form to the employee's Department Head and the Administrative Assistant as soon as possible upon becoming aware of the need to apply for short-term disability benefits. The Administrative Assistant will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

Use of Sick Leave Credits – An employee may draw from the employee's sick leave credits in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay.

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

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Short-Term Disability Benefits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.

713 ***Paid Family Leave***

Policy Statement – The Town of Shelter Island provides eligible employees with job-protected, paid leave pursuant to New York’s Paid Family Leave program.

Purpose for Leave – A qualifying employee may take Paid Family Leave for the following purposes:

- A. To participate in providing care, including physical or psychological care, for the employee’s family member (child, spouse, domestic partner, parent, grandchild, grandparent, or parent of a spouse or domestic partner) with a serious health condition as defined by the New York Paid Family Leave Program; or
- B. To bond with the employee’s child during the first twelve months after the child’s birth, adoption or foster care placement; or
- C. For qualifying exigencies, as interpreted by the Family and Medical Leave Act (FMLA), arising out of the fact that the employee’s spouse, domestic partner, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.
- D. Paid Family Leave is not available for the employee’s own health condition or qualifying military event, employees may not receive Paid Family Leave and disability benefits at the same time, and the Town is not required to provide the same Paid Family Leave to two or more employees at the same time to care for the same family member.

Financing – The program is to be fully financed by the Town of Shelter Island without employee contributions.

Eligibility – Eligibility is governed by New York State law. To be eligible for New York State Paid Family Leave, employees must:

- A. Regularly work 20 or more hours per week and have been employed for at least 26 consecutive weeks; or, work less than 20 hours per week and have worked at least 175 days (the number of hours worked during the 175 days in a 52-week period is not relevant).
- B. Union participation, if elected, shall be by contract.
- C. Elected Officials shall not be eligible for this benefit.

Maximum Benefit Amount and Period – Eligible employees may take up to the maximum leave duration in any given 52 consecutive week period.

- A. As of January 1, 2020 Ten (10) weeks 60% of the employee’s average weekly wage or 60% of the state average weekly wage, whichever is less.
- B. As of January 1, 2021 Twelve (12) weeks 67% of the employee’s average weekly wage or 67% of the state average weekly wage, whichever is less.

Ways in which Leave May Be Taken

- A. Weekly Leave. An employee taking family leave in weekly increments will be eligible for the maximum number of weeks of leave in any 52 consecutive week period.
- B. Daily Leave. If an employee takes Paid Family Leave in daily increments, the employee’s maximum period of Paid Family Leave is calculated based on the

average number of days worked per week prior to taking leave multiplied by the number of eligible weeks.

- C. Intermittent Leave. Paid Family Leave can be taken intermittently, in full-day increments. Eligible employees must make reasonable efforts to schedule intermittent leave so as not to unduly disrupt the Town's operations. Paid family leave may not be taken in increments of less than one full day

Use of Vacation/Personal and Sick Time

- A. Employees are not required to exhaust accrued, unused vacation, personal or sick time when taking Paid Family Leave.
- B. Employees may use accrued vacation, personal or sick time to supplement Paid Family Leave benefits in order to receive full pay during their absence.
- C. Employees may choose to use accrued but unused vacation, personal or sick time to receive full salary in lieu of receiving the Paid Family Leave benefit.

Holidays

- A. Employees electing Weekly Leave will be compensated through the paid family leave program for each day in the allotted week notwithstanding whether a scheduled holiday falls during the week in question.
- B. Employees electing Daily or Intermittent Leave may elect to receive their ordinary compensation for any holiday that falls during their leave period and shall not be considered to have used a leave day. The employee must advise the town of the intent to utilize leave in this matter at the time leave is taken.

Use of Paid Family Leave Concurrently with Other Programs

- A. **FMLA:** Paid Family Leave will run consecutively with FMLA leave for any employee who is eligible for both types of leave. Employees will be provided with required notices regarding applicable leave benefits for each leave of absence.
- B. **Disability Leave:** Paid Family Leave benefits and New York State Disability Benefits (NYSDBL) may not be used concurrently. An employee who is eligible for both NYSDBL and Paid Family Leave during the same period of 52 consecutive weeks may not receive more than 26 total weeks of NYSDBL and Paid Family Leave benefits during that period of time.
- C. **Worker's Compensation:** If you are unable to work and qualify for Workers' Compensation Benefits, you may not use Paid Family Leave benefits at the same time as you are receiving Workers' Compensation benefits. If you are receiving reduced earnings, you may be eligible for Paid Family Leave.

Spouse – In the event an eligible employee and his/her spouse both work for the Town and request Paid Family Leave for the same qualifying event, both spouses may each take up to the maximum Paid Family Leave benefit length in any given 52-week period. If concurrent leave is requested it shall be granted at the discretion of the Town Board.

Accrual of Leave While on Paid Family Leave employees will continue to accrue sick time and vacation time.

Employee Notice of Leave

- A. **Timing:** The employee shall provide reasonable and sufficient notice to make the Town aware of the qualifying event and the anticipated timing or duration of the requested leave.
1. If the qualifying event is foreseeable, an eligible employee must provide 30 days' advance notice to their supervisor. Failure by the employee to provide 30 days' advance notice of a foreseeable event may result in partial denial of the employee's benefits for a period of up to 30 days from the date notice is provided.
 2. When 30 days' notice is not practical or possible, the employee must provide notice as soon as possible and generally must comply with normal notification procedures.
 3. For intermittent family leave, the Town requires the employee to provide notice as soon as is practical before each day of intermittent leave.
- B. **Information:** Eligible employees must cooperate and provide the Town with information on the leave request and supporting documentation and certifications including, without limitation:
1. The anticipated timing and duration of the leave,
 2. The specific type and qualifying purpose of the leave
 3. Any additional documentation required by FMLA, if applicable.
 4. Medical certifications and periodic recertification and other supporting documentation or certifications supporting the need for leave.

Job Benefits and Protection – Any eligible employee who exercises his or her right to Paid Family Leave will, upon the expiration of that leave, be entitled to be restored to the position held by the employee when the leave commenced, or to a comparable position with comparable benefits, pay, and other terms and conditions of employment. The taking of leave covered by Paid Family Leave will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

Health Insurance – During any Paid Family Leave taken pursuant to this policy, the Town will maintain coverage under any existing group health insurance benefits plan if the employee is eligible for and has elected coverage, as if the employee had continued to work. While on leave, if the employee is receiving a paycheck from the Town, s/he will continue to have the employee's normal contribution (if any) and any other benefits deductions taken out of each paycheck according to their regular pay schedule. If the employee is not receiving a paycheck from the Town, the employee will receive a monthly bill for the same.

The Town's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Town will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

An employee is eligible to continue to receive a stipend as a result of a health insurance buyout while he/she is receiving Paid Family Leave.

714 Social Security

Summary – Social Security benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the Town.

715 The New York State Employees' Retirement System

Summary – The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits as per the eligibility rules of the employee's Tier as assigned by the NYS Retirement System.

Mandatory Membership – A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the Retirement System. An employee who is appointed to a permanent, full-time position on a probationary basis must join the Retirement System on the effective date of the probationary appointment. Employment is considered full-time unless:

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment is for less than one year or employment is on a less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

Optional Membership – An employee or Elected Official who is not mandated to join may join the Retirement System. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Administrative Assistant. If the employee or Elected Official elects to join the Retirement System, the employee or Elected Official must complete the application form and return it to the Administrative Assistant.

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.

716 Police and Fire Retirement System

Summary – The Police and Fire Retirement System covers all sworn personnel in the Police Department. All full-time and part-time police officers must become members of the Police and Fire Retirement System effective on the first day of employment, unless otherwise excepted in accordance with the provisions of that plan.

800 COMPLIANCE POLICIES

801 *Policy Against Workplace Discrimination and Harassment*

Policy Statement – The Town of Shelter Island is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Discrimination or harassment based on race (which includes traits historically associated with race including, but not limited to, hair texture and protective hairstyles, including braids, locks and twists), color, national origin, creed, age, genetic information, predisposing genetic characteristics, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a guide dog, hearing dog or service dog by a person with a disability or any other characteristic or basis protected by applicable law is strictly prohibited and will not be sanctioned or tolerated. The Town Board further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

The Town will not discriminate or take any adverse employment action against an employee on the basis of that employee's, or his/her dependent's, reproductive health decision making (including, but not limited to, a decision to use or access a particular drug, device or medical service). In addition, the Town is prohibited from accessing personal information regarding an employee or his/her dependents' reproductive health decision making without the employee's prior written consent. The Town will also refrain from requiring any employee to sign any document that might deny him/her the right to make his/her own reproductive health care decisions. Pursuant to N.Y. Labor Law § 203-e, an employee who feels that his/her rights in this regard have been violated may bring a civil action in court and can seek remedies including an award of damages, injunctive relief, reinstatement and/or liquidated damages.

This policy prohibits unlawful workplace discrimination and harassment based upon any legally protected characteristic or status other than sex (including sexual orientation, gender expression, gender identity and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the Town's "Policy Against Workplace Sexual Harassment."

Prohibited Conduct – Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, creed, age, genetic information, predisposing genetic characteristics, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a guide dog, hearing dog or service dog, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct by employees, officers, board members, volunteers and non-employees such as agents, contractors and vendors, which occurs on the Town's premises or at Town-sponsored events, programs or activities, including those that take place at locations off of the Town's premises or in another state.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the Town's premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy.

Complaint Procedure – Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact his/her Department Head. If the complaint involves or the employee is hesitant to bring the matter to the attention of his/her Department Head, a report can be made to the Town Attorney. If the complaint involves or the employee is hesitant to report to the Town Attorney, the individual should report the behavior to the Town Supervisor. If the complaint involves or the employee is hesitant to report to the Town Supervisor, the individual should report the behavior to the Town Board. The contact information for these individuals is listed on the Town's website and will be annually distributed to all employees.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

The following procedure must be followed when there is any indication that harassment or discrimination has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with his/her Department Head. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with his/her Department Head, the employee should file the complaint directly with the Town Attorney. If the employee's complaint involves or the employee is hesitant to report to the Town Attorney, the employee should file a complaint with the Town Supervisor. If the complaint involves or the employee is hesitant to report to the Town Supervisor, the individual should file a complaint with the Town Board.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify the Town Attorney.
- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Town Attorney, or a designee of the Town Attorney (which may include a third party). The investigation will include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient

- factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.
- At the conclusion of the investigation, the investigator will report the findings to the Town Attorney or, if the complaint involves the Town Attorney to the Town Supervisor. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
 - Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
 - All investigations will be conducted in a prompt, thorough and impartial manner.

Confidentiality – At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation is Prohibited – Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (e.g., being discharged, disciplined, discriminated against; etc.), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with Town policy as set forth in this Employee Handbook, department policy or guidelines and applicable laws, regulations and contractual provisions.

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to his/her Department Head. If the complaint involves or the individual is hesitant to bring the matter to the attention of his/her Department Head, the report should be made to the Town Attorney. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Town Attorney, the report should be made to the Town Supervisor. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Town Supervisor, the report should be made to the Town Board.

Interim Measures – If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the Town will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

Corrective Action – If, after appropriate investigation, the Town finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with an applicable collective bargaining or other agreement, Town policy as set forth in this Employee Handbook, department policy or guidelines, and applicable laws and regulations.

Bad Faith Claims – If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or

discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Town may be taken against that individual.

Regulations – The Town Supervisor may develop and implement regulations regarding allegations of harassment or discrimination.

Dissemination and Training – This Policy is made part of this Employee Handbook and will be available by request from the Town Supervisor's office. All new employees will receive information about this Policy upon hire or when any change is made to the Policy. All other employees will be provided information at least once per year regarding this Policy.

The Town's employees will be trained annually with regard to their rights and obligations pursuant to this Policy, and will be required to annually acknowledge receipt of this Policy.

Review and Revision of Policy – A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Town Board when appropriate.

802 Policy Against Workplace Sexual Harassment

Introduction – The Town of Shelter Island is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town’s commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, interns, non-employees (as defined below) and other persons conducting business with the Town have a legal right to a workplace that is free from sexual harassment.

The Town is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see Section 801 of this Employee Handbook, the Town’s “Policy Against Discrimination.”

Policy – This Policy applies to all employees, applicants for employment, interns, non-employees (see definition below), and other persons conducting business with the Town, regardless of immigration status, (“covered individuals”) with respect to conduct by other persons.

For purposes of this Policy, a “non-employee” is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include volunteers, temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the Town.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the Town’s policies, unlawful, and may subject the Town to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the Town will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

What is “Sexual Harassment?”

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

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct that is of a

sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status when:

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

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

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

Examples of Sexual Harassment

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.

- Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
 - Sabotaging a person's work; and
 - Bullying, yelling or name-calling.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

Retaliation is Prohibited

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated.

No covered individual will be subject to adverse action(s) (e.g., being discharged, disciplined, discriminated against; etc.) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Town will be implemented.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to his/her Department Head. If the complaint involves or the individual is hesitant to report to his/her Department Head, the individual should report the conduct to the Town Attorney. If the complaint involves or the individual is hesitant to report to the Town Attorney, the individual is encouraged to report the behavior to the Town Supervisor or Deputy Supervisor. If the complaint involves or the individual is hesitant to report to the Town Supervisor or Deputy Supervisor, the individual is encouraged to report the behavior to the Town Board.

Contact information for these individuals can be found on the Town’s website: www.shelterislandtown.us/contactus.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on “Legal Protections.”

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Town cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to his/her Department Head. If the complaint involves or the individual is hesitant to report to his/her Department Head, the behavior should be reported to the Town Attorney. If the complaint involves or the individual is hesitant to report to the Town Attorney, the individual is encouraged to report the behavior to the Town Supervisor or Deputy Supervisor. If the complaint involves or the individual is hesitant to

report to the Town Supervisor or Deputy Supervisor, the individual is encouraged to report the behavior to the Town Board.

Contact information for these individuals can be found on the Town's website: www.shelterislandtown.us/contactus.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is included as an Appendix to this Employee Handbook, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections."

Supervisory Responsibilities

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is **required** to report that suspected sexual harassment to the Town Attorney, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Town Attorney, the supervisor/manager must report the suspected sexual harassment to the Town Supervisor or Deputy Supervisor. If the complaint or information involves the Town Supervisor or Deputy Supervisor, the supervisor/manager must report the suspected sexual harassment to the Town Board.

Contact information for these individuals can be found on the Town's website: www.shelterislandtown.us/contactus.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent

permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The Town will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Town Attorney, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Town Attorney, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Town Attorney, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Town Attorney, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the Town will take steps to obtain and preserve them.
- The Town Attorney, or designee, will request and review all relevant documents, including all electronic communications.
- The Town Attorney, or designee, will interview all parties involved, including any relevant witnesses.
- All records of the investigation will be maintained in a secure and confidential location.
- The Town Attorney, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Town Attorney, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.

Corrective Action – Any person, including covered individuals of every level who, upon an investigation in accordance with this Policy, is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (e.g., suspension or termination of employment).

If the sexual harassment involves a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the Town and the non-employee or other individual.

Confidentiality – The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the Town to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims – If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith,

or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Town may be taken against that person, subject to any statutory or contractual limitations.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Town, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the Town, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

New York State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 *et seq.*, applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with the DHR may be filed any time within three years of the harassment. If an individual did not file at the DHR, they can sue directly in State court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the Town does not extend your time to file with the DHR or in court. The three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

The DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Suffolk County Office is: State Office Building, 250 Veterans Memorial Highway, Suite 2B-49, Hauppauge, New York 11788, (631) 952-6434, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e *et seq.*). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with

the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Suffolk County may file complaints of sexual harassment with the Suffolk County Human Rights Commission at: H. Lee Dennison Building, 100 Veterans Memorial Hwy, Third Floor, Hauppauge, NY 11788, (631) 853-5480.

Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Dissemination and Training

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The Town will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All employees will receive sexual harassment prevention training at least annually.

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

803 *The Americans with Disabilities Act*

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

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

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

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

Notification of Policy Violations – An employee should immediately report any perceived violation of this policy to the employee's Department Head, the Town Supervisor, or the Town Attorney (as ADA Compliance Officer). All complaints of possible violations will be investigated discreetly and promptly. An employee who reports a possible violation will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

Application of Policy – This policy is for Town use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for Town administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

804 Workplace Violence Prevention Policy Statement

The Town of Shelter Island is committed to maintaining a work environment that is free of unlawful harassment, threats, coercion, intimidation and violence which involves or affects the Town or occurs on Town property by anyone, including any Town staff or vendor doing business with or representing the Town. Town employees may not engage in any behavior or conduct that could reasonably be interpreted as violent, threatening to others, or unlawful harassment.

Workplace violence is defined by New York State Regulations as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including, but not limited to:

- (a) an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- (b) any intentional display of force which would give an employee reason to fear or expect bodily harm;
- (c) intentional and wrongful physical contact with a person without his or her consent and that entails some injury; or
- (d) stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.
- (e) hitting or shoving an individual;
- (f) threatening or causing harm to an individual or his/her family, friends, associates or their property;
- (g) intentional destruction or threat of destruction of Town-owned property or services;
- (h) threatening or harassing phone calls, letters, e-mails or any other form of communication;
- (i) intimidating or coercing an employee to do wrongful acts or to violate a Town policy, law or procedure;
- (j) intimidating or coercing a member of the public or anyone with whom the Town does business or to whom the Town provides services in such a way that it adversely affects the legitimate interests and goals of the Town;
- (k) harassing interference, stalking or malicious following with the intent of making a reasonable person feel fear for his/her safety;
- (l) unauthorized possession of a weapon or other inappropriate, threatening use of a dangerous instrument on Town property.

The Town will take reasonable and practical measures to prevent workplace violence and to protect employees and visitors from acts of violence. All employees are responsible for helping to create an environment of mutual respect for each other as well as for visitors. All employees are responsible for following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

Employees are prohibited from possessing firearms or weapons of any kind while on Town premises or in Town vehicles, while conducting business for the Town, or at any work sites or other locations during working hours or while representing the Town, regardless of whether the person is licensed to carry the weapon. Weapons include guns, knives, explosives, and other items with the potential to inflict bodily harm. The only exceptions are sworn police personnel. If any employee has knowledge of another employee's possession of a weapon, that knowledge should be reported to a supervisor as soon as possible.

The Town will respond to all incidents of workplace violence or threatening behavior immediately upon notification of the incident.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The Town needs your cooperation to implement this Policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If you observe or experience such behavior by anyone on Town premises, or a violation of this Policy, whether or not you are a Town employee, you should report it immediately to a Supervisor, the Department Head or the Town Attorney. A Supervisor or Department Head who receives a report must complete an "Incident Report Form" and immediately seek advice from the Town Attorney's Office at 631-749-0027 regarding investigating the incident and initiating appropriate action.

Any departmental rules of procedures or collective bargaining agreement provisions that impose standards or requirements in addition to those in this Policy will also apply. If you are unsure as to whether there are any additional standards or requirements that are applicable to you/your position, please contact the Town Attorney.

THREATS OR ASSAULTS THAT REQUIRE IMMEDIATE ATTENTION BY SECURITY OR POLICE SHOULD BE REPORTED TO THE POLICE AT 911.

Enforcement of this Policy will be accomplished through the implementation of a Workplace Violence Prevention Program, and by complying with the requirements of the NYS Workplace Violence Prevention Act as set forth in NYS Labor Law Section 27-b. A general review of the Town's Workplace Violence Prevention Program will be conducted every year. Specific reviews will be conducted upon a workplace violence incident.

Individuals who violate this Policy may be subject to removal, criminal and/or civil charges, and/or disciplinary action up to and including termination of employment.

Any employee who, in good faith, makes a report of workplace violence, reports witnessing workplace violence, or is involved in reporting, investigating, or responding to workplace violence, will not be subject to retaliation of any kind. Any employee found to have engaged in retaliatory action will be subject to discipline, up to and including termination.

This Policy will be posted/available in the locations on the attached list.

Town Posting/Policy Availability Locations

- **The Employee Handbook**
- **Town Hall (via the Town Clerk)**

805 **Drug-Free Workplace / Drug Free Awareness Program**

Policy Statement – It is the policy of the Town of Shelter Island that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

Coverage – The Town of Shelter Island’s Drug-Free Workplace Policy pertains to all individuals who are employed by the Town of Shelter Island.

Compliance with Federal Drug-Free Workplace Act – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Town must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Town hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program:

Prohibited Conduct – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any job site or workplace, or in a Town vehicle, a vehicle leased for Town business, or a privately owned vehicle being used for Town business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment. Any work-related accident or injury involving a Town vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

Use of Prescription and Over-the-Counter Drugs – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

Non-Discrimination Policy – The Town of Shelter Island will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

Employee Assistance – It is the policy of the Town to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee’s Department Head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

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

Town Responsibilities – The Town will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Town will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

Drug-Free Awareness Program – It is the policy of the Town of Shelter Island to maintain a drug-free workplace. In accordance with that policy, the Town is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace

Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers' compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

4. Damaged Relationships

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

806 *Controlled Substance and Alcohol Testing*

EMPLOYEES SUBJECT TO OTETA AND DOT TESTING REGULATIONS

Statement of Compliance – The Town Board has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA). The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

Covered Employees – The Town's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate.

Acknowledgment Form – A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

EMPLOYEES WHO WORK MORE THAN 10 HOURS PER WEEK

Random and Reasonable Suspicion Drug Testing – Any employee with a work schedule that is more than 10 hours per week will be subject to random and reasonable suspicion drug testing in accordance with procedures established by the Town.

807 *Smoking*

Policy Statement – In accordance with the NYS Clean Indoor Air Act, it is the policy of the Town to prohibit smoking in the workplace, which includes all Town buildings and all Town vehicles.

808 ***Reproductive Health Decision Making***

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

Prohibited Conduct – The Town will not:

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

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

900 SAFETY

901 *Workplace Safety*

Policy Statement – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the Town to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

Employee Responsibility – In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, it is the employee's responsibility to understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

Employee Training – When an employee completes mandatory training programs outside of work hours, the employee will be granted equivalent time off, to be used upon Department Head approval.

Safety Program – The Town's safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible;
- Conducting inspections to find and eliminate unsafe working conditions and practices, control health hazards, and comply with the safety and health standards for every job;
- Training all employees in safety and health practices;
- Providing necessary personal protective equipment and instructions for its use and care;
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment;
- Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;
- Providing First Aid kits and fire extinguishers throughout buildings and facilities.

Accident Plan – In the event of an accident, an employee must immediately stop work and take the following steps:

- Provide aid to the injured person and summon for assistance;
- Eliminate the immediate cause of the accident;
- If the accident appears serious, call 911; and
- Notify the Department Head immediately; 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 Department Head who will in turn notify the Administrative Assistant. The Administrative Assistant will complete an *Employer's Report of Injury Form (C-2F)* and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the Administrative Assistant. The Administrative Assistant will maintain appropriate documentation of the incident.
- The Administrative Assistant will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. 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.

902 Hazard Communication Program

Statement of Compliance – The Town of Shelter Island 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 Town considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

Guidelines – The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** – The Town 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 worksite 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 Town 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.

Safety Data Sheets (SDS) – An employee working with a Hazardous Chemical shall obtain a copy of the Safety Data Sheet (SDS) and a standard chemical reference from the employee's Department Head.

Employee Training – An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Safety Data Sheets.

Personal Protective Equipment (PPE) – Depending on job duties, an employee must routinely wear protective devices, such as gloves and safety glasses, as directed by the supervisor. An employee who is required to wear special safety equipment as directed by the supervisor must comply with the supervisor's request.

Emergency Response – Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's supervisor. The supervisor must ensure 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.

1000 COMMUNICATION PROCEDURES

1001 Organizational Communications

Summary – The Town Board is committed to assuring effective communications between the Board and employees. The success of the organization is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with their Department Head should there be any questions.

Methods of Communication – Information will be communicated to employees in a variety of ways, including general and departmental meetings, e-mail distributions, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. Except as otherwise provided by a collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1002 Adverse Communications

Policy Statement – An employee who receives any communication of a negative nature directed to the Town, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the appropriate Department Head. The term “communication” shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

1003 Suggestions

Policy Statement – Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor or Department Head of any suggestions which may be valuable to the Town’s productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

1004 Public Relations

Policy Statement – The courteous, professional treatment of members of the public by all employees helps to build confidence among the citizens we serve. We require all employees to make every effort to represent the Town in a polite and professional manner.

1005 Press Policy

Policy Statement – All requests for information directed to a Town employee from the media (e.g. television, radio, newspaper) regarding any aspect of Town affairs must be referred to the employee's Department Head. The Department Head should use cautionary judgment in responding and notify the Town Supervisor's Office of the request. If the request is concerned with something of a sensitive nature, the Town Supervisor or Town Attorney should be notified prior to the release of any statement or information. Department Heads may refer all such requests to the Town Supervisor's Office or the Town Attorney with notification to the Town Supervisor.

All press releases, publications, articles and any other documents for release to the media or the public must be approved in advance by Department Heads and copied in advance to the Town Supervisor's Office.

1006 Reporting of Improper Activities

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

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

1100 DISPUTE RESOLUTION

1101 *Dispute Resolution Procedure*

Policy Statement – The Town Board has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the Town Board which will enhance the overall operation of the Town. The Town will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

Definition of Dispute – For the purpose of this Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the Town is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

Step One – An employee who claims to have a dispute may present the dispute to the employee’s Department Head. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee’s Department Head will meet with the employee to discuss and attempt to resolve the matter.

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s Department Head, the employee may submit the matter to the Town Supervisor. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

Within seven working days after receiving the dispute, the Town Supervisor will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Town Supervisor will issue a written response.

Step Three – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the full Town Board by filing a Request for Hearing with the Town Clerk. The Request for Hearing must be submitted, in writing, within seven working days from receiving the Step Two response, or when the response should have been received. The Request for Hearing will include a written statement of the dispute as outlined in Step One of this Procedure.

The Town Board will set the time and place for the hearing. All decisions rendered by the Town Board will be final and binding.

Time Limits – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

Final Decisions – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official Town policy.

Proper Use of Dispute Resolution Procedure – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the Town to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Refusal to Proceed with Dispute – Under this policy, the Town Board may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement to determine if the employee's dispute (grievance) may be subject to the grievance procedure contained in the employee's collective bargaining agreement.

1200 APPENDICES

APPENDIX A – EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

APPENDIX B – WORKPLACE HARASSMENT/DISCRIMINATION COMPLAINT FORM

APPENDIX C – SEXUAL HARASSMENT COMPLAINT FORM

APPENDIX D – WORK FROM HOME POLICY

APPENDIX E – LEAVE DONATION POLICY

APPENDIX F – EXPOSURE CONTROL POLICY

APPENDIX G – WORKPLACE VIOLENCE PREVENTION PROGRAM

APPENDIX A - EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

Place a signed copy in the employee's personnel file.

TOWN OF SHELTER ISLAND
EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Town of Shelter Island Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Shelter Island. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the Town Supervisor if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Town Board of the Town of Shelter Island reserves the right to interpret, change or modify any section of the Employee Handbook at any time. Except as otherwise provided by law, I understand that I am an employee at will.

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

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

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Town of Shelter Island, and may be changed from time to time, by the Town of Shelter Island.

Employee name (please print)

Employee Signature

Date of Signature

APPENDIX B – WORKPLACE HARASSMENT/DISCRIMINATION COMPLAINT FORM

WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM

Use this form to file an internal claim of workplace harassment or discrimination (other than sexual harassment, which should be filed in accordance with the Town's Policy Against Workplace Sexual Harassment), including hostile work environment, based on race, color, national origin, creed, age, genetic information, predisposing genetic characteristics, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a guide dog, hearing dog or service dog, or any other characteristic or basis protected by applicable law, including discrimination based upon an employee's or an employee's dependent's reproductive health decision making.

PERSONAL INFORMATION

Name: _____
Department: _____
Business Address: _____

Zip _____

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
Title: _____
Business Phone: _____

DETAILS OF CLAIM

1. Claim of discrimination/harassment is based on (check one or more that apply):

- RACE COLOR RELIGION CREED NATIONAL ORIGIN
- AGE MARITAL STATUS FAMILIAL STATUS
- MILITARY STATUS VETERAN STATUS
- DISABILITY PREGNANCY OR PREGNANCY-RELATED CONDITION
- DOMESTIC VIOLENCE VICTIM STATUS
- ARREST (NOT PENDING) CRIMINAL CONVICTION
- GENETIC INFORMATION OR PREDISPOSING GENETIC CHARACTERISTICS
- USE OF A GUIDE DOG, HEARING DOG OR SERVICE DOG
- OTHER (explain) _____

2. Claim of discrimination/harassment is made against: Your Relationship to this person:
Name: _____ Supervisor
Work Address: _____ Co-worker
_____ Subordinate
Work Phone: _____ Other: _____

3. Incident(s) occurred on or about (date(s)): _____

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting data, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes. I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:

BY WHOM:

Signature

Print Name

Signature

Print Name

Signature

Print Name

APPENDIX C – SEXUAL HARASSMENT COMPLAINT FORM

SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your Department Head. If your complaint involves or you are hesitant to submit this form to your Department Head, you should submit the form to the Town Attorney. If your complaint involves or you are hesitant to submit this form to the Town Attorney, you should submit this form to the Town Supervisor or Deputy Supervisor. If your complaint involves or you are hesitant to submit this form to the Town Supervisor or Deputy Supervisor, you should submit this form to the Town Board. Contact information for these individuals can be found on the Town’s website: www.shelterislandtown.us/contactus. This form can be submitted by e-mail or hand-delivery. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the Town will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____

Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor’s Name: _____

Title: _____

Work Address: _____

Work Phone: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Relationship to you: Supervisor Subordinate Co-Worker Other _____

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you retained legal counsel and would like us to work with them, please provide their contact information.

I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____

APPENDIX D – WORK FROM HOME POLICY

TOWN OF SHELTER ISLAND WORK FROM HOME/TELECOMMUTING POLICY

I. General Work Arrangement

1. This policy sets forth the terms and conditions that will apply to any Town of Shelter Island (“the Town”) employee permitted to perform Town work from an alternate telecommuting work site.
2. All Town employees, except those designated by the Supervisor as essential to maintaining public order or public health, may be authorized to work from home, subject to the following conditions:
 - a. Employee’s telecommuting schedule must be approved by the department head or the Town Supervisor. Unless changes are approved, Employee will work the same hours and utilize the same meal and other break times as before Employee began teleworking.
 - b. Employee’s regular telecommuting work site location must be approved by Employee’s department head or the Town Supervisor.
 - c. Employee must provide a telephone number, physical address and email address for the telecommuting work site location at which he/she is reachable during work hours.
 - d. The Town Supervisor may suspend or revoke permission for any employee to telecommute at any time.
3. While telecommuting, Employee will:
 - a. Remain accessible by telephone and email during the telecommute work schedule;
 - b. Check in with the department head to discuss status and open issues;
 - c. Be available for teleconferences, scheduled on an as-needed basis;
 - d. Be available to come into the office if a business need arises;
 - e. Request department head approval in advance of working any overtime hours (if employee is non-exempt) or otherwise altering Employee’s scheduled work hours; and
 - f. Request department head approval to use vacation, sick, or other leave in the same manner as when working at Employee’s regular work location. Telecommuting may not be used as a substitute for paid time off. Employee will arrange to devote Employee’s attention to Employee’s assigned work just as though employee were in the Town Office and will not use telecommuting as a substitute for dependent care while working.
4. Employee’s duties, obligations, responsibilities, and conditions of employment with the Town remain the same as those when working at the regular Town work site, except those obligations and responsibilities specifically addressed in this policy. Job responsibilities, standards of performance, and performance appraisals remain the same as when working at the regular Town work site. The supervisor and department head reserve the right to assign work as necessary at any work site.
5. Employee must comply with all Town rules, policies, directives, practices and instructions.
6. This arrangement may be evaluated on an ongoing basis to ensure that Employee’s work quality, efficiency, and productivity are not compromised by the telecommuting arrangement

described herein. Employee agrees to participate in all studies, inquiries, reports and analyses relating to this program.

II. Safety & Equipment; Information Security

As a condition of being permitted to telecommute and in return for the same:

1. Employee will maintain a safe, secure, and ergonomic work environment. Employee is permitted to work only in the approved telecommuting site location. Employee is required to report any work-related injuries to Employee's department head at the earliest reasonable opportunity.
2. The Town will assume no liability for injuries to third-parties at the alternate work site and, as a condition of being granted the option to telecommute, the Employee must agree to indemnify and hold the Town harmless for injury to others at the alternate work site. This includes family members, visitors, or others who may become injured within or around the employee's home.
3. Regarding space and equipment purchase, set-up, and maintenance for telecommuting purposes:
 - a. Employee is responsible for providing space, telephone, printing, networking and/or Internet capabilities at the telecommute location, and will not be reimbursed by the Town for these or related expenses. Internet access must be via DSL, Cable Modem, or an equivalent bandwidth network unless Employee is telecommuting on a temporary basis due to an emergency. The Town reserves the right to require that appropriate security precautions, including the use of security software, be taken on any personal equipment used to conduct Town business.
 - b. The use of equipment, software, data supplies and furniture, if provided by the Town for use at the remote work location, is limited to Employee and are to be used solely for purposes relating to Town business.
 - c. Employee must protect Town-owned equipment, records, and materials from unauthorized or accidental access, use, modification, destruction, or disclosure. The precautions described in this policy apply regardless of the storage media on which information is maintained, the locations where the information is stored, the systems used to process the information, or the process by which the information is stored.
 - d. Employee will report to Employee's department head any incidents of loss, damage, or unauthorized access at the earliest reasonable opportunity.
 - e. All equipment, records, and materials provided by the Town will remain the property of the Town. Town data is to be stored on the Town's network and not on Employee's personal equipment.
 - f. The Town will provide for repairs to Town equipment.
 - g. When the employee uses her/his own equipment, the employee is responsible for maintenance, wear and tear, and the repair of equipment.
4. Employee's personal vehicle may not be used for Town business unless specifically authorized in writing by Employee's supervisor in advance of such use.
5. Office supplies will be provided by the Town as needed. Out-of-pocket expenses for other supplies will not be reimbursed absent the prior approval of Employee's department head.
6. With reasonable notice and at a mutually agreed upon time, the Town may make on-site visits to Employee's telecommute location to ensure that the designated work space is safe

and free from hazards, provides adequate protection and security of Town property, and to maintain, repair, inspect, or retrieve Town property.

7. Employee will return Town-owned equipment, records, and materials within five (5) days of termination of the telecommuting arrangement. Within ten (10) days of written notice, Employee must return Town-owned equipment for inspection, repair, replacement, or repossession.
8. Employee is responsible for tax consequences, if any, of this arrangement, and for conformance to any local zoning regulations. It is Employee's responsibility to determine any income tax implications of maintaining a home office area. The Town will not provide tax guidance nor will the Town assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.
9. Any Employee being authorized to telecommute must sign a copy of this policy and in so doing agrees to accept and abide by its terms and conditions, in exchange for the Town's agreement to allow Employee to telecommute.
10. This Policy, its application to any Employee and/or the decision to grant or deny a request for Work from Home/Telecommuting, the provision of equipment, records, materials or other items pursuant to this Policy will be made by the Town in its sole discretion and is not subject to grievance or challenge in any forum.

To be signed by Employee Authorized to Telecommute:

I agree that in exchange for the Town's agreement to allow me to telecommute, I accept and agree to abide by the terms and conditions of the Town's Work from Home/Telecommuting Policy.

Employee name (please print)

Employee Signature

Date of Signature

APPENDIX E – LEAVE DONATION POLICY

VACATION DONATION POLICY TOWN OF SHELTER ISLAND

The Town of Shelter Island realizes that if an employee, their immediate family member, or a person living in their household has a serious medical condition, the employee may need to take a significant amount of time away from work.

Although employees may use their sick leave and/or vacation time to provide income during this period, sometimes, such sick leave and vacation balances may be exhausted which can result in limited or no income for the employee.

To assist employees who find themselves in this position, the Town has created a vacation donation policy where, in the case of a serious medical situation, a regular full time or part time benefits eligible employee (Donor) may donate accrued vacation days to another regular full-time benefits eligible or part-time benefits eligible employee (Recipient) if certain criteria are met.

Eligibility and Criteria

If an employee, their immediate family member (spouse, parent, or child), or a person living in their household has a serious medical condition (not applicable to maternity leave unless there is a medical emergency) and that employee may be exhausting his/her available paid time off, the employee may request, in writing, from his/her supervisor that a vacation donation account be set up.

The supervisor will review the employee's sick leave, vacation and vacation buy balances and determine if such balances will be insufficient to provide income to the employee during the time the employee needs to be away from work. Supervisors have the right to deny a request for vacation donation based on several factors, including but not limited to an employee's performance, absence history, disciplinary actions, etc.

Alternately, if a supervisor determines that an employee may be exhausting their available paid time off, the supervisor may initiate a discussion with the employee regarding establishment of a vacation donation account. If the employee approves, the supervisor needs to obtain such approval from the employee in writing.

To be eligible to establish a Vacation Donation Account, the following criteria must be met:

- The Recipient must be employed by the Town for 12 or more months prior to the request for Vacation Donation. The Vacation Donation program is available to members of the collective bargaining units.
- The Recipient must be exhausting all available paid time. An employee who is receiving New York State Disability benefits, New York State Paid Family Leave, Workers' Compensation or Long Term Disability benefits is not eligible to receive vacation donation at the same time, since alternate forms of income are available.
- The absence has to be prolonged and result in a substantial loss of income to the employee.

Process for Establishing a Vacation Donation Account

After the employee requests, in writing, from his/her supervisor that a vacation donation account be set up and the supervisor has determined that the employee will be exhausting all available paid time off, the supervisor must complete a Vacation Donation Account Request form from the Town Clerk.

It is the supervisor's responsibility to advise the employee that the employee must provide a physician's statement, documenting the medical condition and required period of absence by the employee (unless this information has already been provided through the FMLA process and approved for FMLA). If the person with the serious medical condition is someone other than the employee, such person's physician must provide the person's name, the medical diagnosis (to substantiate the serious medical condition), the date the condition began and the expected length of the condition. This documentation must be submitted along with the Vacation Donation Account Request form to the Benefits Office. If the physician is unable to determine the length of the condition at the time, the vacation donation account will be opened for a maximum of four weeks and will be reviewed thereafter based on additional medical documentation submitted to the Benefits Office.

Approval of Request

The Town Supervisor will review the request to determine whether the establishment of the Vacation Donation Account meets the established criteria and will notify the supervising department head of the approval or rejection of the request. It is the supervising department head's responsibility to notify the employee of the approval or rejection in writing. If the request is approved by the Benefits Office, the Supervisor will determine, send an email to all town departments offering an opportunity to make a donation.

Maximum Number of Hours for Vacation Donation

No more than 500-hours of donated vacation can be received by the Recipient during a maximum 12-month rolling period for all incidents in that period.

For all vacation donation accounts approved, the maximum hours that can be received by a part-time benefits eligible employee are pro-rated based on the employee's work schedule. For example, the maximum hours a Recipient can receive who is working part-time at 50% is 250-hours.

Utilizing Donated Time

- The Recipient can only use hours that are available in their Vacation Donation Account at the time of submission of the weekly or monthly time card.
- Donated vacation time can be used either on a continuous or an intermittent basis.
- The Recipient may not record Vacation Donation time on his/her timecard once the medical emergency ends.
- Recipient has choice to use donated vacation hours or to use their vacation or sick accruals that could occur during the 12-month rolling period. Recipients continue to accrue vacation and sick leave accruals while using donated vacation hours.
- If the Account is set up for the employee due to his/her own serious medical condition, Vacation Donation usage will be limited to the period of time prior to when the person would first be eligible for benefits under Town's Long Term Disability(LTD) Plan. Vacation donations are not allowed beyond the date an employee would become eligible for LTD benefits.

Donation Information (Donors)

- Donors must complete the Vacation Donation Authorization form (also, available online or from the Town Clerk) to donate a portion of their accrued vacation to the Recipient.
- The minimum number of hours of vacation time that can be donated is 4 hours. Employees may donate up to 50% of their accrued vacation balance as of the date of the donation. The maximum hours that can be donated will be prorated for part-time employees who are benefits eligible (example: 50% FTE = 250-hour maximum donation).
- Employees may make an initial donation and then may donate again to the same employee at a later date.
- Payroll confirms receipt and approval or rejection of vacation donation with the Donor. Rejection can occur if the Donor has insufficient hours to donate based on the policy and/or if the maximum vacation donation level has already been reached. Once the vacation donation has been approved, such time is forfeited by the Donor
- Employees on an approved Leave of Absence are eligible to donate vacation hours. • Donors contribute vacation hours, not salary.
- The completed Vacation Donation Authorization form must be sent to Payroll Vacation Donation from a Donor that is approved by Payroll will immediately be transferred to the recipient's Vacation Donation Account.
- Vacation donations are not considered charitable contributions for income tax purposes.

Additional Information

- The Vacation Donation Account balance will not be affected by Town's vacation carryover cutoff date. The donated balance will carryover.
- Contributions are not made to the NYS Retirement Plan on Vacation Donation time for the Recipient or the Donor.
- Any unused Donation Vacation time at the end of the maximum 12-month rolling period is forfeited by the Recipient.
- Donated Vacation time cannot be paid at termination of employment. Any Donated Vacation balance remaining at termination of employment will be forfeited.
- Recipient cannot receive compensation through the Vacation Donation Policy and New York State Paid Family Leave at the same time.
- A Vacation Donation Request will not be approved if such Request occurs after being approved for and being compensated through New York State Paid Family Leave for the same serious health condition.
- Vacation Donation time cannot be used after being approved for and compensated by New York State Paid Family Leave for the same serious health condition.

APPENDIX F – EXPOSURE CONTROL POLICY

INFECTIOUS, CONTAGIOUS, AND COMMUNICABLE DISEASE CONTROL MINIMUM STANDARDS FOR THE TOWN OF SHELTER ISLAND April 22, 2020

PURPOSE

The Town of Shelter Island will take proactive steps to protect the workplace and advise citizens in the event of an infectious, contagious, and/or communicable Disease outbreak. It is the goal of the Town during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that the workplace and citizens remain as safe as possible.

DEFINITIONS

Disease - Any infectious, contagious, or communicable Disease caused by the entrance into the body of pathogenic agents or microorganisms (such as bacteria, viruses, protozoans, fungi, etc.) which grow and multiply and , which can be passed on from one individual to another. It may be transmitted directly from one body to another, without the help of other objects. (They can include, but are not limited to: - Malaria - Strep Throat, - Influenza (the flu) - HIV/Aids - Measles - Mumps - Rubella - SARS - Tuberculosis - Common Cold - Chicken Pox - Conjunctivitis - Hepatitis (A,B,C) - Lice - Ringworm - Scabies - Scarlet Fever - Corona Viruses)

Diagnosis - A positive result using a qualified test as verified by a medical professional and/or the Suffolk County Department of Health Services.

Exposure - Exposure means having been in a position where transmission of the Disease was probable. What qualifies as exposure will vary based upon the nature of the Disease.

DERIVATION OF LAW

The Town recognizes it is at the bottom rung of a chain of command and that, in the most extreme cases, such as pandemics, directives and procedures generally originate with the Federal government and move downward to the state, county, and local levels. Information and guidance provided by the Town in most every case will have derived from guidance provided further up the chain of command. In most, if not all, cases should the Disease outbreak be deemed an “emergency” Emergency Management protocols will be enacted as required under the Incident Command System. ***Always anticipate amendments and adjustments to these general policies as an infectious Disease outbreak evolves, and utilize Town provided communications to assess such changes.***

SCOPE

This policy shall define the minimum standard required for all employees of the Town of Shelter Island. However, it is understood that certain Town operations may be predisposed to a greater extent for exposure to Disease. These exposures are derived from the nature of the work, interactions with larger numbers of people, or working in environments that potentially expose people. In particular these include:

- Highway and Public Works
- Solid Waste Management
- Building Department
- Police Department
- Emergency Medical Services
- Recreation Department

- Senior Center
- Town Clerk

The above departments and any other department that is determined to have an elevated need for exposure control measures already have or must develop its own policies which may exceed the requirements herein but may not be less stringent than or waive any portion of this policy. Please reference these specific policies and guidelines for the full depth of Disease control in these environments.

REPORTING PROCEDURES

During any Disease outbreak or at any time that a serious health threat becomes know to any employee, that employee is obligated to report knowledge of that fact to the employee's immediate supervisor or to the Town Supervisor.

Employees, who become aware of any Disease, shall:

- report any confirmed or suspected occurrences of Disease to supervisor/management; and
- follow the policies and procedures for infection control; and,
- take recommended training or refresher training for infection control.

Upon becoming aware of the Disease, supervisor/management shall:

- keep in mind the right to privacy of the persons(s) involved and any guidance under HIPAA.
- report it to the Town Supervisor and the Local Health Authority, in accordance with Center for Disease Control and Prevention's (CDC) mandate; and
- follow all medical advice from the appropriate health authority; and
- advise employees about its existence; and, review measures for dealing with it; and
- remind employees about the Disease policy including:
 - an overview of the policy; and,
 - provide a copy of the written policy; and
- provide general information and infections control measures to constituents/families; and,
- ensure that infection control practices are followed; and
- institute any approved and necessary testing procedure.

During an outbreak of an infectious disease, employees may be required to have their temperature taken prior to entering Town premises.

NON-DISCRIMINATION

- supervisor/management and employees shall respect the privacy rights of individuals who have contacted a Disease.
- Supervisors/managers and employees shall not discriminate against individuals who have contracted a Disease or who have positive antibodies for a Disease.

TRAINING

- All Town Employees shall complete annual training regarding Infectious Disease Exposure as well as any further training required by OSHA, PESH or any other agency based upon any additional potential exposure due to the type of work that they are assigned to or may be assigned to perform. All training shall be provided by the Town.
- Employees shall be given information on infectious/communicable Diseases and their control measures.
- Training for Diseases shall include:
 - what Diseases are, how they are contacted, how they are transmitted and how they are controlled; and

- Occupational Safety and Health Administration (OSHA) standards; and
- Universal Precautions
- employer's policies and procedures; and
- employer's exposure control plan; and
- personal protective equipment; and
- engineering and work practice controls.
- families/other individuals who have/been exposed to Diseases shall be given basic information including what Diseases are, how they are contacted, how they are transmitted and how they are controlled.
- The Town shall make available to employees at no charge training as to exposure control, first aid, CPR, AED and stop the bleed at least once per year

CONTINUITY OF OPERATIONS

- All departments are directed to have a contingency plan for continuity of operations if faced with an outbreak of Disease to include reduced staffing and work from home provisions.
- At the determination of the outset of any Outbreak, it shall be determined the extent to which the on-site work force must be reduced, and employees shall be notified if their presence is deemed essential.
- All employees not designated as essential should work from home. Non-essential employees unable to work from home should contact their supervisor to request reassignment or leave.
- If possible, essential employees should arrange to work from home during the Outbreak.
- Time, duration and type of leave shall be dependent upon the situation. Employees not able to work from home may be reassigned or required to take leave.

ISOLATION AND QUARANTINE GUIDANCE

- During any Disease outbreak, it is critical that individuals do not report to work or interact socially when they are experiencing symptoms associated with the particular Disease. Center for Disease Control guidance typically issues directives concerning Disease and those should be followed by all town employees while at work. Employees who report to work ill will be sent home in accordance with these guidelines. For others, ensure familiarity with guidance from your place of business.
- Any employee who is exposed to Disease should self-quarantine for a period appropriate for the Disease to which the individual was exposed and seek medical attention if symptoms develop.
- Any employee with a diagnosis of any Disease_(even if designated as essential) should not report to work and should seek medical attention.
- Any employee who is already at work when determined to have tested positive should be isolated until they can be sent home safely.
- If any employee is diagnosed with any Disease, the Supervisor shall immediately direct an investigation to determine any location or personnel that may have been exposed.
- If possible, quarantined employees should work from home. Quarantined employees unable to work from home shall be placed on administrative leave until they are medically able to return to work. The type of leave shall be situationally dependent.
- The Town may require that employees that have travelled from elsewhere to the Town of Shelter Island not report to work and that they self-quarantine for an allotted period of time.
- Influx assessment will be ongoing in an infectious Disease outbreak and the Town may modify isolation, quarantine, and other applicable policies accordingly. The Town may also initiate various assessment tools to gauge the impact and progression of an infectious Disease outbreak.

PREMISES SECURITY

- If a person who tested positive for any Disease is found to have been on premises within the past seven (7) days any area where such persons have been shall be closed off until disinfected.
- During a disease outbreak, the town may direct all employees on premises to utilize Personal Protective Equipment suitable for the specific outbreak.

RETURNING TO WORK

- Any Employee absent from work due to exposure and/or quarantine may return to work upon receipt of medical clearance or if no symptoms have presented within the time of presentation set forth by the Centers for Disease Control for the suspected Disease,
- Any Employee absent from work due to a positive diagnosis of any Disease may not return to work without receiving clearance from a medical professional.
- Upon returning to work, to further reduce the risk, individuals returning from isolation should continue to practice proper hygiene protocols (e.g., hand washing, covering coughs, etc.) and avoid prolonged, close contact with vulnerable persons.
- Police and EMS personnel have standardized procedures that allow them to return to work notwithstanding exposure and shall follow such procedures notwithstanding this policy

SOCIAL DISTANCING GUIDELINES FOR DISEASE OUTBREAKS

During any outbreak of Disease, all Town employees are directed to observe the following while on duty and all employees, and all citizens are urged to observe the following at all times:

- Avoid meeting people face to face. Utilize phone, online conferencing, email or messaging to interact as much as possible even when recipients are at the same location.
- If a face to face meeting is unavoidable, minimize meeting time, meet in large and open spaces, maintain recommended separation between attendees, and avoid person to person contacts.
- Avoid unnecessary travel and cancel or postpone nonessential travel, meetings, gatherings, etc.
- Do not congregate in areas where people typically socialize.
 - Avoid areas where common eating occurs such as restaurants.
 - Public facilities may be closed or scaled down.
 - For public facilities remaining in service during a Disease outbreak, follow guidance released by the Town.
 - Recreational and other leisure activities should be avoided or suspended where interaction with contagious people is possible.

TRAVEL

- All non-essential travel should be avoided.
- Town employees who travel as a part of their job should consult with management on appropriate actions.
- Avoid crowded public transportation. Alternative scheduling options, ride-sharing, or other assistance will be evaluated and may be provided on a case by case basis.
- The Town will review with ferry operators potential policies to follow to mitigate both ferry operations impacts as well as the potential to infect travelers and ferry workers. As ferry services are the primary connection to the island, ferries will be expected to post quarantine policies as might apply to alert travelers not initially on Shelter Island at the time of the outbreak to isolate themselves for a period not less than the posted time.
- Ferry operations may be asked to screen all travelers using information to be provided by the Town. Inappropriate responses should move those travelers to a boat carrying only potentially "infected" travelers or isolate such travelers in another way, such as confinement to their vehicles. Another boat may be in service for those not "infected."

COMMUNICATIONS

- The Town is committed to providing authoritative information about the nature and spread of Disease, including symptoms and signs to watch for, as well as required steps to be taken in the event of illness or outbreak.
- During any declared emergency involving an outbreak of Disease, the Town shall appoint a Public Information Officer and all information shall be disseminated through that office.
- Public information session shall be conducted on a regular basis.

ORGANIZATION

- During any Disease Outbreak the town shall utilize the Incident Command System; and
- The Town's Emergency Manager be the incident commander; and
- An organizational chart indicating all vital positions and functions shall be created.

WATER AND WASTEWATER ISSUES

Disease outbreaks can, on occasion, involve water and wastewater. Due to an abundance of caution the following statements and guidance are offered on drinking water supplies and exposure to wastewater containing human waste.

- Property owners with private wells who are concerned about pathogens inclusive of viruses in drinking water may consider approaches that remove bacteria, viruses, and other pathogens, including certified treatment devices. It is the property owner's responsibility to ensure the efficacy of the specific pathogen's mitigation for any installed water treatment device.
- Wastewater and sewage workers should use standard practices, practice basic hygiene precautions, and wear personal protective equipment as prescribed for current work tasks. This is inclusive of all human waste workers (septic tank pumping services, sewer rodding services, plumbers, etc.)
- All workers who handle human waste or sewage should receive training on Disease prevention. The training should include information on basic hygiene practices; use and disposal of personal protective equipment; and proper handling of human waste or sewage. Workers must also be urged to promptly seek medical attention if displaying any signs or symptoms of illness.

ADDENDUM FOR 2020 COVID-19 OUTBREAK

EXPANDED DEFINITIONS

Exposure: . For the purposes of the town of Shelter Island and during the COVID-19 outbreak this means having been within six (6) feet of a person with a confirmed diagnosis (or who was later diagnosed) of COVID-19 without the proper use of personal protective equipment (PPE) .

DERIVATION OF LAW

- The Federal Government and New York State have issued executive orders declaring an emergency and setting certain requirements. Guidance on these Orders has been issued by The New York State Economic Development Commission. It is the intention of the Town of Shelter Island to comply with the letter and spirit of those Orders.
- The Town of Shelter Island has and shall issue its own Emergency Orders only with the consent of the New York Department of Health as per NY Executive Order 202

TRAINING

- Prior to returning to standard operations, all employees shall complete assigned online classes on hygiene, proper use of PPE and COVID –19

CONTINUITY OF OPERATIONS

- All Departments should implement their outbreak contingency plans.
- On site Personnel shall be reduced to those determined to be essential to have on site.
- All employees, whether essential or non-essential, shall work from home where possible.
- Non-Essential employees may be assigned to other tasks.
- Non-Essential employees not reassigned will be placed on administrative leave.
- Determination of payment while on leave shall be in accordance with the law and the executive orders issued by the Governor.

ISOLATION & QUARANTINE GUIDANCE

Attendance Restrictions

- Any Employee exposed to COVID 19 should quarantine for 14 days during which time they should not report to work. Essential employees may return to work if they are not symptomatic after that period.
- Any Employee with a positive diagnosis of COVID 19 should not report to work until medical clearance has been received from a medical professional or a subsequent test for COVID-19 confirms a negative result.

Release of Symptomatic Individuals from Isolation

Symptomatic individuals who were confirmed as having COVID-19 may discontinue home isolation once they meet the following conditions:

- At least 3 days (72 hours) have passed since recovery, defined as resolution of fever without the use of fever-reducing medications; AND
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); AND
- At least 7 days have passed since symptoms first appeared.
- This approach will prevent most, but may not prevent all, instances of secondary spread. The risk of transmission after recovery is likely substantially less than that during illness.
- To further reduce the risk, individuals returning from isolation should continue to practice proper hygiene protocols (e.g., hand washing, covering coughs) and avoid prolonged, close contact with vulnerable persons (e.g. compromised immune system, underlying illness, 70 years of age or older).

Release of Asymptomatic Individuals On Isolation

Asymptomatic individuals who were confirmed as having COVID-19 may discontinue home isolation under the following conditions:

- At least 7 days have passed since the date of their first positive COVID-19 diagnostic test; AND
- The individual has had no subsequent illness.

SOCIAL DISTANCING GUIDELINES FOR COVID -19

- Maintain a distance from others of at least six (6) feet
- Wash or disinfect hands frequently or wear disposable gloves
- Avoid touching your face

- Persons with a positive diagnosis or those in contact with persons over 65 or someone with a compromised immune system or other vulnerability should wear a face mask for the protection of others

TRAVEL

- There shall be no non-essential travel by Town employees for town business during the state of emergency.
- Signs shall be posted at the Ferries requesting new arrivals to self-quarantine for 14 days.
- Potentially exposed citizens will be provided with voucher that can be used without opening the car door or window to allow passage on the ferry for the purpose of obtaining a COVID-19 test.

COVID 19 RESPONSE STRUCTURE

- A copy of the organizational chart is attached.

TOWN OF SHELTER ISLAND

Operating Guidelines

Workplace Violence Prevention Program

SECTION 1 – INTRODUCTION

Workplace Violence Prevention Policy Statement

The Town of Shelter Island is committed to maintaining a work environment that is free of unlawful harassment, threats, coercion, intimidation and violence which involves or affects the Town or occurs on Town property by anyone, including any Town staff or vendor doing business with or representing the Town. Town employees may not engage in any behavior or conduct that could reasonably be interpreted as violent, threatening to others, or unlawful harassment.

Workplace violence is defined by New York State Regulations as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including, but not limited to:

- (a) an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- (b) any intentional display of force which would give an employee reason to fear or expect bodily harm;
- (c) intentional and wrongful physical contact with a person without his or her consent and that entails some injury; or
- (d) stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.
- (e) hitting or shoving an individual;
- (f) threatening or causing harm to an individual or his/her family, friends, associates or their property;
- (g) intentional destruction or threat of destruction of Town-owned property or services;
- (h) threatening or harassing phone calls, letters, e-mails or any other form of communication;
- (i) intimidating or coercing an employee to do wrongful acts or to violate a Town policy, law or procedure;
- (j) intimidating or coercing a member of the public or anyone with whom the Town does business or to whom the Town provides services in such a way that it adversely affects the legitimate interests and goals of the Town;
- (k) harassing interference, stalking or malicious following with the intent of making a reasonable person feel fear for his/her safety;
- (l) unauthorized possession of a weapon or other inappropriate, threatening use of a dangerous instrument on Town property.

The Town will take reasonable and practical measures to prevent workplace violence and to protect employees and visitors from acts of violence. All employees are responsible for helping to create an environment of mutual respect for each other as well as for visitors. All employees are responsible for following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

Employees are prohibited from possessing firearms or weapons of any kind while on Town premises or in Town vehicles, while conducting business for the Town, or at any work sites or other locations during working hours or while representing the Town, regardless of whether the person is licensed to carry the weapon. Weapons include guns, knives, explosives, and other items with the potential to inflict bodily harm. The only exceptions are sworn police personnel. If any employee has knowledge of another employee's possession of a weapon, that knowledge should be reported to a supervisor as soon as possible.

The Town will respond to all incidents of workplace violence or threatening behavior immediately upon notification of the incident.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The Town needs your cooperation to implement this Policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If you observe or experience such behavior by anyone on Town premises, or a violation of this Policy, whether or not you are a Town employee, you should report it immediately to a Supervisor, the Department Head or the Town Attorney. A Supervisor or Department Head who receives a report must complete an "Incident Report Form" and immediately seek advice from the Town Attorney's Office at 631-749-0027 regarding investigating the incident and initiating appropriate action.

Any departmental rules of procedures or collective bargaining agreement provisions that impose standards or requirements in addition to those in this Policy will also apply. If you are unsure as to whether there are any additional standards or requirements that are applicable to you/your position, please contact the Town Attorney.

THREATS OR ASSAULTS THAT REQUIRE IMMEDIATE ATTENTION BY SECURITY OR POLICE SHOULD BE REPORTED TO THE POLICE AT 911.

Enforcement of this Policy will be accomplished through the implementation of a Workplace Violence Prevention Program, and by complying with the requirements of the NYS Workplace Violence Prevention Act as set forth in NYS Labor Law Section 27-b. A general review of the Town's Workplace Violence Prevention Program will be conducted every year. Specific reviews will be conducted upon a workplace violence incident.

This Policy will be posted/available in the locations on the attached list.

Individuals who violate this Policy may be subject to removal, criminal and/or civil charges, and/or disciplinary action up to and including termination of employment.

Any employee who, in good faith, makes a report of workplace violence, reports witnessing workplace violence, or is involved in reporting, investigating, or responding to workplace violence, will not be subject to retaliation of any kind. Any employee found to have engaged in retaliatory action will be subject to discipline, up to and including termination.

Town Posting/Policy Availability Locations

- **The Employee Handbook**
- **Town Hall (via the Town Clerk)**

Overview of the New York State Workplace Violence Prevention Act

The New York State Workplace Violence Prevention Act amended NYS Labor Law by adding a new Section 27-b, which requires all state and local government employers to take steps to ensure that their employees are provided protection from potential incidents of violence in the workplace.

Among other requirements, Section 27-b requires every public sector employer to:

1. conduct a risk assessment of its worksites to identify and address any existing risk factors that may increase the possibility of workplace violence;
2. provide training for all employees, which informs them of the risk factors that may be present in their workplace(s), measures they can take to protect themselves from such risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and
3. for employers with 20 or more full-time employees, develop and implement a written workplace violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards.

What is Workplace Violence?

Workplace violence can be any act of verbal or physical violence, threat of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at a work site or while a public employee performs any work-related duty in the course of his or her employment. Workplace violence can affect or involve employees, visitors, contractors, and others.

For purposes of this policy, the workplace is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, Town-owned/leased buildings and facilities, parking lots, and traveling to and from work assignments within the work day.

Workplace violence can be inflicted by an abusive employee, a supervisor, member of the public, family member, or even a stranger. Whatever the cause or whomever the perpetrator, workplace violence will not be accepted or tolerated by the Town.

What is a workplace violence incident?

According to the NYS Department of Labor, a workplace violence incident is defined as one or more of the following:

- a. An attempt or threat, whether verbal or physical, to inflict injury upon another person.
- b. Any intentional display of force which would give a person reason to fear or expect bodily harm.
- c. Intentional and wrongful physical contact with a person without his or her consent that entails some injury or offensive touching.
- d. Harassment of a nature that would give a person reason to fear escalation or harassment arising out of or in the course of employment.
- e. Stalking a person with the intent of causing fear when such stalking has arisen through or in the course of employment.

An incident may be committed without one person actually touching or striking or doing bodily harm to another person. Concerns about sexual or other unlawful harassment may also be covered by the Town's Policy Against Workplace Sexual Harassment and Policy Against Workplace Discrimination and Harassment.

Savings Clause

The Town has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in such decision will be of no force and effect, but the remainder of this program will continue to be in full force and effect.

Section 2 – Employee and Supervisory Roles and Responsibilities

Employee Responsibility

It is the responsibility of every Town employee to assist and cooperate in making our workplace as safe as possible. In order to accomplish this task, all employees need to fully understand and adhere to the provisions of this Workplace Violence Prevention Program.

Any employee who witnesses or is the victim of any form of workplace violence, or who notices or perceives any physical condition, procedure, or any other factor which may contribute to the potential risk of workplace violence, should report same to his/her Supervisor. If the Supervisor is a party to the incident or concern, or if for any reason the employee is not comfortable reporting same to the Supervisor, the report should be made to the Town Safety Committee's which will also serve as the Hazard Reduction Team. A list of the Hazard Reduction Team members is available through the Town Clerk or the Town Attorney. Contact information for the Town Attorney and the Town Clerk is available on the Town's website: www.shelterislandtown.us. All reports should be documented using the attached *Workplace Violence Incident Report Form*, and the supervisor must submit all reports to the Department Head.

If an employee properly refers a matter of concern as set forth above, and the Town is given reasonable opportunity to correct the matter but it has not been resolved or the employee or representative of the employees still believes a violation remains, or if the employee believes that an imminent danger exists, the employee or representative of employees has the right to contact the New York State Department of Labor, in writing, to request inspection by the Department of the situation.

An employee who applies for, obtains or is covered by a protective or restraining order, which lists specific workplace locations as being protected areas, must provide his/her Supervisor or the Department Head with a copy of the petition and declaration used to seek the order as well as a copy of any temporary or permanent protective or restraining order that was granted. The Town will endeavor to maintain confidentiality of same and respect the privacy of the reporting employee to the maximum extent possible consistent with the Town's obligations pursuant to this Program.

An Authorized Employee Representative, that is, a union official, will be given the opportunity to contribute information, assist with analyzing statistics and conducting the workplace risk evaluation and determination, to participate in incident reviews, and to provide input about the Workplace Violence Prevention Program.

Any employee who, in good faith, makes a report of workplace violence, reports witnessing workplace violence, or is involved in reporting, investigating, or responding to workplace violence, will not be subject to retaliation of any kind. Any employee found to have engaged in retaliatory action will be subject to discipline, up to and including termination.

Supervisor Responsibility

Supervisors have the responsibility for ensuring that these policies and procedures are clearly communicated and understood by all employees, as well as enforcing them in a fair and consistent manner. Supervisors are accountable for ensuring that all aspects of this program under their area of responsibility are properly met.

Supervisors must carefully review and assess information provided by employees or other sources. If a problem situation or location is identified, appropriate precautions should be taken based on the specific situation. Information about the problem should be communicated to the Department Head and the Hazard Reduction Team for possible notification of other employees who may work in a similar/identical situation and for updates to the Workplace Violence Prevention Program.

Hazard Reduction Team

A Hazard Reduction Team (“Team”) has been established to assess the Town’s vulnerability to workplace violence and to make recommendations on preventive actions to be taken. The Team will consist of at least one representative designated by the Town, who initially will be the Safety Officer, and an authorized employee representative from each Union. The Team will contribute toward maintaining the Town’s Workplace Violence Prevention Program (“Program”). A copy of the Program is available upon request in the Town work places listed in the Town’s Workplace Violence Prevention Policy Statement.

The Team will conduct a risk assessment. Once the level of risk is determined, the Team will participate in the development of risk reduction strategies, which will then be implemented during employee training.

The Team may participate in the oversight of employee training programs in violence prevention and the development of a plan for responding to acts of violence. It may also participate in communicating this plan internally to all employees. The Team may participate in reviewing previous incidents of violence at our workplace. It may analyze and review existing records to identify patterns that may indicate causes and severity of assault incidents and identify changes necessary to correct these hazards. These records include, but are not limited to, past incident reports, insurance records, Workers’ Compensation records, accident investigations, training records, and grievances.

Additionally, the Team may participate in the inspection of the workplace and evaluate the work tasks of employees to determine the presence of hazards, conditions, operations and other situations which might place workers at risk of occupational assault incidents. Employees may be surveyed to identify the potential for violent incidents and to identify or confirm the need for improved security measures. These surveys will be reviewed, updated and distributed as needed.

The Team will also, on at least an annual basis, review and update the Program. The review and update will set forth any mitigating steps taken in response to any incident of workplace violence.

Section 3 – Response Procedures

During An Incident

If a threatening situation arises:

Try to remain calm.

Remove yourself from the threat as quickly as possible.

Immediately call or alert others to call appropriate help (e.g., police, supervisor, and ambulance) to obtain immediate on-site assistance.

In emergency situation, dial 911.

Notify coworkers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

Post Incident

Steps will be taken to review risks and determine whether additional security measures are needed to mitigate a threat or violent incident. An investigation will take place to determine what actions are appropriate to prevent a similar occurrence. The Town will respect privacy and confidentiality rights of employees during investigations to the greatest extent possible.

If warranted, increased worksite protection will be provided when threats of violence have been made, such as additional police or security patrols.

Anyone who might be affected if the threat-maker carries out his or her threat may be notified.

Counseling may be provided to victims about options available to them, such as obtaining a restraining order and receiving counseling services from an Employee Assistance Program (EAP).

After the occurrence of a threat or an incident of workplace violence, the Town will maintain open lines of communication to alleviate anxiety and reduce misinformation.

Employees may be assisted with the possible psychological consequences that may result from a workplace violence incident. Counseling services and follow-up treatment, as needed, may be offered to employees and their families.

Dealing With Conflict

There is no sure way to tell whether someone will become violent; however, there are often warning signs before violence occurs. These warning signs do not mean that the individual will actually become violent, but in combination, they should be a cause for concern. Warning signs of potentially violent individuals:

Written, oral, or implied threats or intimidation

Fascination with weaponry or acts of violence

Theft or sabotage of projects or equipment

Alcohol or drug abuse

Expressions of hopelessness or heightened anxiety

Intention to hurt or others

Lack of concern for the safety of others

Externalization of blame

Irrational beliefs and ideas
Romantic obsession
Displays of excessive or unwarranted anger
Feelings of victimization
Inability to take criticism
New or increased sources of stress at home or work
Productivity and/or attendance problems

Do's and Don'ts for Dealing with Potentially Violent Individuals

Do's

1. Do project calmness. Move and speak slowly, quietly, and confidently.
2. Do listen attentively and encourage the person to talk.
3. Do let the speaker know that you are interested in what he or she is saying.
4. Do maintain a relaxed yet attentive posture.
5. Do acknowledge the person's feelings and indicate that you can see she/he is upset.
6. Do ask for small, specific favors such as asking the person to move to a quieter area.
7. Do establish ground rules. State the consequences of violent or threatening behavior.
8. Do employ delaying tactics that give the person time to calm down. For example, offer a cup of water.
9. Do be reassuring and point out choices.
10. Do help the person break down big problems into smaller, more manageable problems.
11. Do accept criticism. When a complaint might be true, use statements such as, "You're probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.
12. Do arrange yourself so that your exit is not blocked.
13. Do make sure there are three to six feet between you and the other person.

Don'ts

1. Don't make sudden movements that may seem threatening.
2. Don't speak rapidly, raise your volume, or use an accusatory tone.
3. Don't reject all demands.
4. Don't make physical contact, jab your finger at the other person, or use long periods of eye contact.
5. Don't pose in challenging stances: directly opposite someone, hands on hips, or with arms crossed.
6. Don't challenge, threaten, or dare the individual. Never belittle the other person.
7. Don't criticize or act impatient.
8. Don't attempt to bargain with a threatening individual.
9. Don't try to make the situation seem less serious than it is.
10. Don't make false statements or promises you cannot keep.
11. Don't try to impart a lot of technical or complicated information when emotions are high.
12. Don't take sides or agree with distortions.
13. Don't invade the individual's personal space.

Section 4 – Training and Education

Training and Education

All employees will receive training and education on the risks of workplace violence and procedures for responding to and reporting incidents of workplace violence. Training will be provided upon completion of the Program and annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the Town makes significant changes to its Workplace Violence Prevention Program, risk factors or work controls.

The Town's employee training and education will include, but not be limited to, the following areas:

- Overview of the New York State Workplace Violence Prevention Act and NYS Labor Law Section 27-b, and Regulations, 12 N.Y.C.R.R. Part 800.6
- Description and details of the Town's Workplace Violence Prevention Program
- Workplace location of the Town's Workplace Violence Prevention Program manual and the procedures for obtaining a copy
- Definition of workplace violence and the three levels of workplace violence
- Methods of recognizing and responding to the three levels of workplace violence
- Standard response action plan for violent situations
- Procedures for reporting a workplace violence incident or imminent danger
- How and when incidents will be investigated by the Town
- The risk factors identified in the Hazard Reduction Team's risk evaluation
- Measures employees can take to protect themselves from identified risks
- Procedures, policies, safety devices, and/or work environment accommodations that have been implemented to protect employees based on the results of the risk evaluation
- Post-incident procedures, including medical follow-up and the availability of counseling for affected individuals

Specialized training and education may be provided to Supervisors as well as to those employees who are at higher risk of workplace violence based on their job duties and/or work site location.

Upon completion of the training, employees may be asked to provide feedback on the quality and content of the training. Upon request to the Department Head, employees will receive a copy of the Town's Workplace Violence Prevention Program.

Section 5 – Incident Recordkeeping and Reporting and Investigations

Recordkeeping

The Town will maintain accurate records regarding all workplace violence incidents. The Town will adhere to all of the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of a workplace violence incident as defined in Section 1 (Introduction) or any workplace violence injury that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness, must be documented on a Workplace Violence Incident Report. Any recordable injury must also be documented on the SH-900 log. The report will be initiated by the employee and completed with the assistance of the Safety Officer.

The SH-900 Logs and Workplace Violence Incident Reports will be reviewed by the Hazard Reduction Team on a regular basis. The forms will also be summarized and analyzed at least annually so that the Team can identify any trends in the types of workplace violence incidents occurring and to review the effectiveness of the mitigating actions taken.

The Town is required to report employee workplace violence related fatalities and multiple hospitalizations to the New York State Department of Labor's Public Employee Safety and Health (PESH) Bureau within eight hours of the incident. (Refer to NYCRR Part 801 for complete information pertaining to employee recordkeeping and PESH reporting requirements).

Incident Reporting

The Town will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents. Any workplace violence incident that may be of a criminal or domestic violence nature will be immediately reported to the appropriate police authorities or be handled in accordance with accepted operating procedures.

Town Incident Reporting Procedures – All incidents of Level I violence must be reported within 48 hours of occurrence. All Level II and Level III incidents must be reported immediately. The reporting structure is outlined in Section 2 (Employee Responsibility) of this manual. An "Incident Report Form" must be completed for each incident. A copy of the form may be forwarded to the one or more members of the Hazard Reduction Team for their review and investigation.

At a minimum, the report will include the following information: (a) Workplace Location Where Incident Occurred, (b) Date of Incident, (c) Time of Day, (d) Incident Description, (e) Names and job titles of involved employees, (f) Extent of Injuries, (g) Names of witnesses, (h) Name or other identifier of other individual(s) involved and (i) Information on preventative actions that the Town has taken or is considering as a result of the incident to mitigate against further like occurrences. Such reports will be maintained for use when the program is reviewed and updated. The Incident Report Form contained in this manual or the DOSH (Division of Safety and Health) SH-900.2 form or C-2 form with the required information added may be utilized.

If the report involves a privacy concern case, the Report will be kept confidential and the Town will replace the name of the employee who was the victim of the workplace violence with "PRIVACY CONCERN CASE" before sharing the Report. The following will be treated as privacy concern cases:

- a. an injury or illness to an intimate body part or the reproductive system;
- b. an injury or illness resulting from a sexual assault;
- c. mental illness;
- d. HIV infection;
- e. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious materials; and
- f. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered in the Report.

The Department Head or Personnel Officer or designee is required to report any workplace violence related fatalities and multiple hospitalizations to the DOSH District Office within eight hours of the incident.

Nearest DOSH District Office:
400 Oak Street, Suite 102
Garden City, N.Y. 11530
Phone: (516) 228-3970
Fax: (516) 794-7714

Incident Investigation

Each incident may be investigated by one or more members of the Hazard Reduction Team depending upon the circumstance. The investigation may take various forms, depending upon the type of incident (e.g., threat assessment, administrative, criminal).

After the occurrence of a workplace violence incident, the Town will consider prevention enhancements which may be necessary to properly protect employees. The Team may discuss the causes of the incident and make recommendations on how to revise the Workplace Violence Prevention Program, if necessary, to prevent similar incidents from occurring. Revisions to the program will be put in writing and made available to all employees.

Section 6 – Workplace Violence Incident Report Form

TOWN OF SHELTER ISLAND

Workplace Violence Incident Report Form

This form is to be used to document any reportable workplace violence incident. This form is to be completed and forwarded to the Hazard Reduction Team immediately.

Employee Name _____

Job Title _____

Location Where Incident Occurred _____

Date and Time of Incident _____

Name of Individual Completing
This Report _____

Date Incident Report Completed _____

Date Incident Report Received by
Hazard Reduction Team _____

Supervisor Name _____

Signature _____

Date Report Submitted to the Local
Office of the Dept. of Labor _____

List any individuals who may have witnessed this incident:

Witness Name	Job Title	Witness Work Phone Number
--------------	-----------	---------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Check the Type of Violence the victim experienced (Levels I, II, or III):

Level I Violence

Intimidation Bullying Verbal Abuse Minimal Harassment
 Shouting Swearing Obscene Gestures False Statements

Level II Violence

Psychological Trauma Suicide Threat Threats of Assault Advanced Harassment
 Shouted at Directly Swore at Directly Obscene Calls Being Followed or Stalked

Level III Violence

Shooting Stabbing Striking with an Object Sexual Assault
 Pushing Grabbing Throwing Objects Homicide

Please provide a detailed description of the incident.

Assailant/Perpetrator Name Address

- Member of the Public
- Employee's Spouse
- Employee's Significant Other
- Employee's Supervisor
- Co-worker
- Former employee
- Other (specify)

Did police respond to the incident? Yes No

If yes, please specify the name of the Police Department _____

Was a police report filed? Yes No Police Report Number _____

Were you injured? Yes No

If yes, please specify your injuries and the name/location of any treatment that you received.

Did you lose any work days? Yes No If yes, how many days _____

Have you received counseling since this incident? Yes No

Did you have any reason to believe that this incident might occur? Yes No

Has the employer taken measures to avert this incident from occurring in the future that you are aware of? Yes No Please describe:

Has the Union Representative been notified? Yes (Date) _____ No

March 11, 2022 – continued

RESOLUTION NO. 207

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

"Whereas", Brian Sherman, Commissioner of Public Works, has requested permission to seek "Request for Proposals" for design services to incorporate ADA accessibility at the Police Department building at 44 North Ferry Road, now, Therefore

BE IT RESOLVED, That the Town Board approves of said request.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 208

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the terms of engagement of Jefferson Solutions, Inc., 14 Brittany Oaks, Clifton Park, New York 12065 for the provision of services concerning a GASB 75 actuarial valuation to calculate the Town's full OPEB liability and determine the annual required contributions and annual accrued liability.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 209

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, to wit:

"Whereas", the Town adopted an employee manual on February 5, 2021; and

"Whereas", the manual contains a provision adding a floating holiday and a holiday for the employee's Birthday; and

"Whereas", these provisions were intended to be deleted prior to the passage/approval of the handbook but were inadvertently included; now, Therefore

BE IT RESOLVED, That the following provisions of the employee handbook are deleted from section 701 of the Employee Handbook:

*A full-time employee shall be permitted a paid day off in recognition of the employee's Birthday. This day off may be taken on the actual birthday or on an alternate date requested of and approved by the Department Head, and

**A full-time employee is credited with one floating holiday each January 1 which must be used during that calendar year. A newly hired full-time employee will be granted a floating holiday for use during the first calendar year of employment only if the employee's date of hire is prior to July 1. An employee must receive prior approval from the employee's Department Head to take the floating holiday; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall go into effect immediately and that a copy shall be provided to all employees.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 210

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, The Rams Head Inn, 108 Ram Island Drive has requested permission as per application dated February 4, 2022, to have a brief road closure to accommodate a traditional wedding procession to the ceremonial location at The Rams Head Inn on August 26, 2022, from 9:00 a. m. to 10:30 a. m., from the beginning of the 2nd causeway, (end of little Ram Island), leading to The Rams Head Inn, similar to a parade or march; and

"Whereas", the required fees of \$100.00 application fee and \$100.00 compliance fee have not been submitted, and

"Whereas", the Police Department has responded that they have reviewed the application and participated in the Town Board discussion with The Rams Head Inn and their clients request to close a portion of Ram Island Drive (2nd causeway) on August 26, 2022, at about 9 a. m.; should the Town Board approve this request, the Police Department is prepared to facilitate

\$3,000.00 from DB5110.483 PEP Dues, and
\$7,500.00 from DB5110.479 Surveys, and
\$2,985.00 from DB5110.100 Roads Personnel Services,
To DB5110.445 Highway Improvements.
\$1,991 from DA5130.446 Machinery, and
\$4,009 from DA5130.441 Fuel – Gas, and
\$3,000 from DA5140.447 Outside Contractors, and
\$5,000 from DA5140.489 Equipment Rental,
To DA5130.246 Equipment.
\$347 from A5010.492 Travel to A5010.400 Highway Office & Miscellaneous
\$1,501.07 from A8160.432 Testing to A8160.201 Recycling Center Roof
\$4,611 from A8160.129 Landfill Double Time to A8160.103 Landfill Seasonal
\$354 from A1490.420 Signs & Signals to A1490.106 Custodians
\$130 from A8160.488 Hi-Viz to A8160.484 Landfill Office & Miscellaneous
\$485 from A1490.499 Bridge Street Restroom to A1490.101 PW Personnel Service
\$2,000.00 from DA5130.12 Mechanics OT to DA5140.168 Double Time
\$177 from DB5110.160 Roads Double Time to DB5110.162 Deferred Compensation

2021 BUDGET MODIFICATIONS

\$21,394.90 increase to a new 2021 A3089W NYS DEC Center Wastewater Study grant reimbursement revenue account, and a \$21,394.90 increase to the 2021 A1440.497 Engineering Professional Services expense account.

\$6,082.50 increase to a new 2021 A3089F NYS DEC Fresh Pond Water Study grant reimbursement revenue account, and a \$6,082.50 increase to the 2021 A1440.497 Engineering Professional Services expense account.

2021 Brian's Encumbrances: \$1,325.00 from A1490.425 Non-Highway Tree Maintenance

\$64,740.10 from A1490.498 Crescent Beach Bathroom

\$21,691.00 from A8160.200 Landfill Equipment

\$41,856.00 from A1490.414 Town Hall & Other Buildings

\$26,900.00 from A1490.200 P.W. Equipment

\$72,458.50 from DB5110.445 Highway Repair & Improvements

\$67,589 from DA5130.246 Machinery Equipment

\$16,000 from DA5130.491 Refurbished Equipment

\$30,712.20 from DA5142.447 Snow Removal

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 234

Councilwoman Larsen offered the following resolution which was seconded by Supervisor Siller, to wit:

"Whereas", the Town issued an employee manual on February 5, 2021; and

"Whereas", certain portions of that manual are outdated or did not reflect the wishes of the Town Board; it is therefore

RESOLVED that section 701 of the Employee Handbook is amended to read as set forth below:

403 Emergency Situations (Revised)

The Town Supervisor, at his or her discretion may direct the closure of Town hall and all operations not necessary for addressing the emergency situation or direct that specified employees or classes of employees not report to work or to leave early. Town Hall shall not be considered closed unless such an order is specifically issued by the Supervisor. Town Hall should not close unless the situation is critical and reporting to work would be unsafe for Town personnel.

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

Payment of Wages – Pay for FLSA 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 or part-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal

workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A temporary or seasonal 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. Such employee may choose to make up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

- Department heads should have the option of closing early or sending home those employees whose physical presence is not essential to their job function.
- Notice should be given to all employees of the department as well as the Town Supervisor.
- Employees sent home should continue to work from home.
- In critical situations, the Supervisor may order that all Town departments close.

Prior to Reporting to Work – If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. A full-time or part-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A temporary or seasonal employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

- Notice of a weather emergency should be sent to all employees as soon as practical by email once the need is determined.
- Department heads may direct those employees whose physical presence is not essential to their job function not to report to work and to work from home if possible.
- In critical situations, the Supervisor may order that all Town departments close.

Inclement Weather – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Town. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather.

When the Town Supervisor has not officially shut down operations:

- Employees who are not comfortable commuting to work or believe they cannot do so safely but whose work cannot be done remotely may, on their own initiative, choose to work from home. In such cases, the employee must notify their department head and account for the work performed while at home.
- Alternatively, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her Department Head prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay.

If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

Emergency Services Personnel – Emergency services personnel, such as the Police Department (subject to the collective bargaining agreement), Highway Department (subject to the collective bargaining agreement), Emergency Medical Services as well as any other employee who the Town Supervisor may find necessary to effect emergency services may be required to report to work.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth above and should refer to the applicable collective bargaining agreement.

IT IS FURTHER RESOLVED that section 701 of the Employee Handbook is amended in that

March 15, 2022 – continued

The following provision is removed: 3. Lincoln's Birthday.

The following provision is deleted: * A full-time employee shall be permitted a paid day off in recognition of the employee's birthday. This day off may be taken on the actual birthday or on an alternate date requested of and approved by the Department Head.

The following provision is deleted: ** A full-time employee is credited with one floating holiday each January 1 which must be used during that calendar year. A newly hired full-time employee will be granted a floating holiday for use during the first calendar year of employment only if the employee's date of hire is prior to July 1. An employee must receive prior approval from the employee's Department Head to take the floating holiday.

The following provision is amended: "7 Juneteenth (beginning in 2022)" is amended to "7. Juneteenth".

IT IS FURTHER RESOLVED that Section 702 of the Employee Handbook is amended as follows:

Leave Accrual for Part Time Employees is removed and replaced as follows: "**Leave Accrual for Part Time Employees:** Part time employees are not eligible for leave accrual or paid vacation leave".

Holiday During Scheduled Vacation is removed and replaced as follows: **Holidays During Scheduled Vacation:** In the event a designated holiday occurs on a full-time employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

The following section shall be added: **Work on Holidays:** An employee who is required by the Town to work on a holiday shall receive comp time equal to the number of hours worked.

IT IS FURTHER RESOLVED that Section 703 is amended as follows:

The following section is amended to read as follows: **An Allowance (Hired after May 13, 2016 & Former CSEA Employees [by contract])** –employee shall be entitled to 22 paid sick days per year. Sick days may be accumulated to a maximum of 90 days at any one time.

IT IS FURTHER RESOLVED that section 706 is amended as follows:

The following section is to be added below the section on Medicare Part B Reimbursement: **Reimbursement of Spouse:** Retirees can only receive Medicare Reimbursement from one employer. If the spouse of a retiree or eligible deceased employee wishes to remain in NYSHIP and pay to the Town the full cost of the premium they may receive the Medicare reimbursement.

IT IS FURTHER RESOLVED that section 708 is amended as follows:

The section labeled Premium Payment is amended in that the first subsection is amended to read as follows:

Hired/Elected prior to 9/1/04 and Former Members of CSEA subject to 12/28/18 Resolution.

The Town will pay the full premium cost for individual or family medical insurance coverage.

IT IS FURTHER RESOLVED that a New Section 717 shall be added and entitled: Reimbursement for Mandatory Vaccinations.

Section 717 as added shall read: **717 Reimbursement for Mandatory Vaccinations.**

It is the Policy of the Town of Shelter Island to reimburse employees and volunteers for any out of pocket expenses incurred to obtain any vaccinations required to fulfill work obligations. If the employee or volunteer has health insurance, they first submit the invoice to their health insurance. Upon receipt of the Explanation of Benefits from the health insurer, the town will reimburse any balance due.

IT IS FURTHER RESOLVED that the following shall be added as Appendix

Appendix H – 2022 Holidays

2022 Holidays – Town of Shelter Island:

January 17 Martin Luther King Day

February 12 Lincoln's Birthday **Police only**

February 21 President's Day
April 15 Good Friday
April 17 Easter Sunday **Police only**
May 30 Memorial Day
June 20 Juneteenth
July 4 Independence Day
September 5 Labor Day
October 10 Columbus Day
November 8 Election Day
November 11 Veteran's Day Highway, Non-Union – **not Police**
November 24 Thanksgiving
December 26 Christmas

IT IS FURTHER RESOLVED that section **707 Medical Health Insurance Buyouts** shall be amended as follows:

The subsection entitled **Eligibility** shall be amended in that the following shall be added to the end of the section as an additional paragraph:

Buyouts (stipends) are only for those that have other employer's sponsored coverage.

Health Insurance through the NY State of Health Marketplace, does not qualify as employer sponsored coverage.

IT IS FURTHER RESOLVED that section **406 Expense Reimbursement** is amended as follows:

The subsection entitled Policy Statement is amended in that the following is added at the end of the paragraph:

The Town does not reimburse sales tax.

IT IS FURTHER RESOLVED that the Code of Ethics shall be added as an addendum to the employee handbook.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 235

Councilman Colligan offered the following resolution which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$950.00 from the A1010.484 Town Board office and miscellaneous account to PENFLEX Actuarial Services, LLC. P.O. Box 5670, Cortland, NY 13045 for the preparation of the GASB73 package for the LOSAP program for the volunteer ambulance for the fiscal year ending December 31, 2021.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 236

Supervisor Siller offered the following resolution which was seconded by Councilman Colligan, to wit:

"Whereas", Title VI is one of the eleven Titles of the landmark Civil Rights Act, and

"Whereas", Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in or be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance; and

"Whereas", the Town Board desires to ensure compliance with Title VI under any Town service, program or activity; and

"Whereas", The Town Board in accordance therewith desires to enact a complaint procedure for anyone who believes that they were subject to discrimination based on race, color, national origin, gender, age, income, disability, or limited ability to speak English; now, Therefore
BE RESOLVED, that the Town Board hereby adopts a Title VI Plan.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

April 29, 2022 – continued

BE IT RESOLVED, That §18-2 is hereby replaced to read as follows: "It is the intent of this policy to set the terms and conditions under which full-time non-contract employees (hereinafter, "employees") shall work and perform their duties.", and

BE IT FURTHER RESOLVED, That this resolution is hereby adopted as local law No. 4 - 2022 and shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 306

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

"Whereas", The Town adopted an employee manual; and

"Whereas", the manual contains a provision allowing an employee to carry over employee's full annual leave allotment into the next year; and

"Whereas", this provision is inconsistent with Town Code Section 18-12(B) which states in pertinent part that "[e]mployees may carry over a maximum of 10 vacation days into the next year." now, Therefore

BE IT RESOLVED, That the following provision of the employee handbook is deleted in its entirety from Section 702 of the Employee Handbook: "An employee may carry over vacation leave into the next year. The maximum amount that may be carried over will be equal to the employee's annual leave allotment. Any vacation leave in excess of that amount that remains at the end of the last business day of the calendar year shall be canceled"; and

BE IT FURTHER RESOLVED, That Section 702 Vacation Leave of the Employee Handbook is replaced with the following: "Allotment - Employees may carry over a maximum of 10 vacation days into the next year"; and

BE IT FURTHER RESOLVED, That a copy of the resolution shall go into effect immediately and that a copy shall be provided to all employees.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 307

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", sealed bids for the proposed purchase and installation of a 14' x 20' prefabricated vinyl pavilion at Crescent Beach were received by the Town Clerk's Office until 3 p. m. on the 28th day of April, 2022, at which they were publicly opened and read aloud, and

"Whereas", Horizon Structures, 5075 Lower Valley Road, Atglen, PA 19310 has submitted a bid in the amount of \$32,005.00, and

"Whereas", Brian Sherman, Commissioner of Public Works, has reviewed said bid and recommended that the Town Board accept the bid presented, now, Therefore

BE IT RESOLVED, That the Town Board does hereby award said bid to Horizon Structures, the sole bidder, for the amount of \$32,005.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon

RESOLUTION NO. 308

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, to wit:

"Whereas", Lawrence Devine is currently the owner of 57 Winthrop Road, Shelter Island; and

"Whereas", There is a bulkhead located on said property; and

"Whereas", The bulkhead is in disrepair and compromising the structural integrity of Winthrop Road, a Town Road; and

"Whereas", Mr. Devine has agreed to remove the subject bulkhead and replace it with a functioning one; and

"Whereas", Mr. Devine will pay all of the costs associated with said replacement; and

"Whereas", Contrary to the Town's position, Mr. Devine alleges that it is not his responsibility to replace the bulkhead, but is doing so in furtherance of a real estate transaction; and

~~who~~ shall serve without compensation. No member of the Town Board, Planning Board or Zoning Board of Appeals shall serve on the Community Housing Board. Membership will include a broad representation from the community, such as landowners, persons with skill and knowledge about the environment, real estate, finance, and building. The Town Board may also seek members who are or have been recipients of housing assistance. ~~Board members shall each have a term of four years.~~ The Community Housing Board shall be composed of ~~five~~ seven members to be appointed by the Town Board, with the following initial terms and thereafter to be five-year terms: one member for one year, one member for two years, one member for three years and one member for four years, and one member for five years.

Section 4. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10.

Section 5. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part, provisions so adjudged to be invalid or unconstitutional.

Section 6. Effective Date.

This local law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to increase the membership of the Community Housing Board from 5 to 7 so as to increase diversity within same. Further, to cure an error in the Code that speaks to a 4-year term when the term is 5 years.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 653

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, That the annual meeting of the Town Board of the Town of Shelter Island for the year of 2022 will be held at 1 p.m., prevailing time, on the 20th day of December 2022 for necessary transactions of the Board.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 654

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, on February 5, 2021, the Town Board adopted an employee handbook;

“Whereas”, in order to ensure consistency with Town Code Chapter 18 entitled "Personnel Policies", updated Town Policies, and current law, now, therefore

BE IT RESOLVED, that the following amendments shall be made to the Town of Shelter Island Employee Handbook:

1. The "Medical Insurance-Eligibility" paragraph of the Town of Shelter Island Employee Handbook (Page 700-7) shall be amended as follows: "[t]he Town currently offers medical insurance coverage to each full-time employee, each Elected Official, and their eligible family members including Domestic Partners."

2. The "Medical Insurance-When Coverage Begins" paragraph of the Town of Shelter Island Employee Handbook (Page 700-7) shall be amended as follows: "[c]overage will begin on the first day of the month after the employee's completion of ~~90~~ 30 days of full-time employment, or for Elected Officials, completion of ~~90~~ 30 days in office, provided all eligibility requirements of the insurance plan are met.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 116

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, April 4th, 2023, at 6:12 p.m. to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 126, entitled "Vehicles and Traffic", to add new parking restrictions for the intersections of North Ferry Road and Manwaring Road and West Neck Road and New York Avenue and for a certain area of South Ram Island Drive" of which provides as follows:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse Shelter Island roads by prohibiting parking at the intersections of North Ferry Road and Manwaring Road and West Neck Road and New York Avenue and a certain area of South Ram Island Drive.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the Notice of Public Hearing.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 117

Councilwoman Brach-William offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

"Whereas", Liberty Lawn Care, 17 North Ferry Road, has petitioned the Town of Shelter Island for a special permit to, construct commercial building to serve landscape business. Building to be served by on site well and IA septic system, now, Therefore

BE IT RESOLVED, That pursuant to the Code of the Town of Shelter Island, a public hearing will be held at 6:14 prevailing time, on the 4th day of April, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 118

Councilman Ianfolla offered the following resolution which was seconded by Councilwoman Larsen, to wit:

"Whereas", the Town Board adopted an employee manual on February 5, 2021; and

"Whereas", the IT Committee developed a Lost Device Policy and has recommended inclusion into the Employee Handbook; and

"Whereas", the Town Board accepts such recommendation and wishes to implement this policy; now therefore be it

RESOLVED, that the following amendments shall be included in the Town of Shelter Island Employee handbook:

Lost Device Policy

The IT Department shall maintain a master list of all devices and employees to which a device was assigned, along with the purchase price, year of purchase and the date of assignment of the device. Receipt of issued device shall be acknowledged by the employee's signature on a Shelter Island Town Receipt.

Those who were issued Town electronic device, such as tablet, cellphone or laptop should exercise good judgement and care when in possession of such device.

Any lost, stolen or damaged device must be immediately reported to the Department Head and IT Department Head to ensure that the IT Department can execute all necessary cyber security steps. An employee who has damaged the device intentionally or through misuse or negligence or who has lost the device through similar circumstances may be held liable for the cost of the replacement and/or repair. Department Head shall investigate the circumstances of the loss or damage and shall determine whether the replacement of the device should be paid by the employee, by the Town or whether the replacement cost should be shared. This consideration shall include number of previous lost/damaged device offenses, the price and the age of the device. The Department Head shall coordinate with the IT Department to determine prorated purchase price if applicable. If an employee opts to use his personal device in lieu of assigned device, they have to get written approval from the IT Department. Personal devices routinely used by an employee that are not typically issued by the Town are excluded from this written approval.

USE OF PERSONAL DEVICE

An employee must immediately report to the Department Head and IT Department any personal device used for work that becomes lost, stolen or damaged, to ensure that the IT Department can execute all necessary cyber security steps to protect any Town data that may be on said device.

CLAIMS FOR REIMBURSEMENT FOR PERSONAL PROPERTY

An employee's personal devices that becomes lost and or damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

Claims for reimbursement for personal property must be submitted to the Department Head. The Department Head shall investigate whether reasonable care was taken to prevent the loss or damage. Upon review and a finding that no negligence was involved, repair or replacement may be recommended by the Department Head. If the Department Head has a budget line to cover the claim they will complete necessary paperwork to authorize payment. In cases where the aforementioned is not applicable the Department Head will then forward the claim and a report of the investigation to the Town Supervisor for review and authorization of payment.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 119

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", on April 29, 2022, the Town Board enacted Chapter 52 of the Town Code entitled the "Community Housing Fund";

"Whereas", said fund serves as a repository for monies to be used in connection with the creation of community housing opportunities;

"Whereas", the Town Board, pursuant to a mandatory referendum, created a .5% supplemental tax on real estate transfers as a revenue stream for such community housing opportunities;

"Whereas", pursuant to Section 52-6 before any monies may be expended from the Community Housing Fund a Housing Plan must be adopted and adhered to;

"Whereas", the Town Board retained Nelson, Pope, and Voorhis to work with the Community Housing Fund Advisory Board to draft said plan;

"Whereas", the Town Board solicited public comment on said plan via a survey, along with two public forums, a "town hall" style meeting and two public hearings; now, therefore

BE IT RESOLVED, that the Town Board hereby adopts the Town of Shelter Island Community Housing Plan dated January 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 120

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the support and maintenance service agreement and expend the sum of \$26,100.00 from the 2023 A1620.476 computer services account to East End Computers, LLC, for the EEC annual managed service contract for the period January 1, 2023 through December 31, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 121

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Town Board has determined that the Community Center, 1 Bateman Road, is the best location for conducting elections and early voting on Shelter Island, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement with the Suffolk County Board of Elections to permit the conduct of elections and early voting at the Community Center in 2023 with an option to renew for 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 122

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

"Whereas", The Town Board issued RFP's for a consultant to assist with the completion of updating the Comprehensive Plan, and

"Whereas", BFJ Planning has submitted a proposal, and

"Whereas", BFJ planning has been interviewed by the Board and their proposal has been reviewed and found to meet the necessary requirements for acceptance, now, therefore

BE IT RESOLVED, That the Supervisor or designee is hereby authorized to execute any and all documents in connection with retaining BFJ Planning to assist with the completion of the Town of Shelter Island Comprehensive Plan.

BE IT RESOLVED, that Julia Weisenberg is hereby appointed to serve as Recreation Specialist for the year of 2023 at the rate of \$30.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 275

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Amber Brach-Williams is hereby appointed to serve a member of the Contractors Licensing Review Board for a term to expire on June 27, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 276

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that Catherine Ryan is hereby appointed to serve as Office Assistant to the Committees, with a 35-hour work week, to be paid as per budget, effective June 30, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 277

Councilman Ianfolla offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, that Jeanne Woods is hereby appointed to serve as a part time driver for Senior Services for the year of 2023 at a rate of \$23.49 per hour, effective June 26, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 278

Councilman Colligan offered the following resolution, which was seconded by Deputy Supervisor Brach-Williams, to wit:

June 27, 2023 – continued

BE IT RESOLVED, that the Supervisor or his designee is hereby authorized to enter into an updated contract agreement with the Taylor's Island Foundation on the same terms as the current agreement.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 279

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized to establish a checking account with J.P. Morgan Chase Bank for the Community Housing Fund, and

BE IT FURTHER RESOLVED, That Supervisor Gerard Siller, Councilwoman Amber Brach-Williams, Margaret Larsen, and Councilman James Colligan and Barbara Ianfolla of the Town of Shelter Island are hereby authorized to sign documents, including checks, for the Town of Shelter Island, and

BE IT FURTHER RESOLVED, That Judy Meringer, Barbara Bloom and Shelby Mundy are hereby authorized to make transfers of Town funds amongst the designated bank.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 280

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, on February 5, 2021, the Town Board adopted an Employee Handbook; and

WHEREAS, there is an inconsistency between the Employee Handbook and the Town Code regarding whether non-union employees are paid out for accumulated vacation days; and

WHEREAS, the Town Board desires to increase the notice period when an employee is resigning or retiring, or is laid off, in order to receive a payout of their accrued and unused vacation time; and

WHEREAS, the Board desires to revise the Town Code at Chapter 18, Section 13, entitled "Personnel Policies," to be consistent with the Employee Handbook; and

WHEREAS, the Board also desires to revise” Section 702 of the Employee Handbook, entitled “Vacation Leave,” to reflect the increased notice period of retirement or resignation in order to receive the accrued and unused vacation time payout.

NOW, THEREFORE, BE IT RESOLVED, that the amendment will be made to Town Code Chapter 18, Section 13, entitled "Personnel Policies" by deleting the stricken words and by adding the underlined words as follows:

Section 18-13 Accumulated sick days and vacation days

Employees ~~shall~~ will not be paid for accumulated sick days. ~~and/or vacations days.~~

After completing a minimum of one year of continuous service with the Town, an employee who resigns, retires or is laid off will be paid out for accrued and unused vacation leave at the employee’s then current rate of pay. To be eligible to receive this payment, an employee who will be resigning or retiring must provide the employee’s direct supervisor with at least six weeks’ advance written notice of their intention to resign or retire by a specific date. If, due to extraordinary circumstances, an employee is unable to provide the at least six weeks’ advance notice as required by this paragraph, an exception may be made by the Town Board in its sole discretion, upon receipt of a written request by the employee for same and stating the extraordinary circumstance. In the event of the death of an employee, the Town will pay an employee’s designated beneficiary for any unused vacation leave at the employee’s then current rate of pay.

BE IT FURTHER RESOLVED that the following amendment shall be made to Section 702 of the Employee Handbook entitled “Vacation Leave”:

Separation of Employment

After completing a minimum of one year of continuous service with the Town, an employee who resigns, retires or is laid off will be paid out for accrued and unused vacation leave at the employee’s then current rate of pay. To be eligible to receive this payment, an employee who will be resigning or retiring must provide the employee’s direct supervisor with at least six weeks’ advance written notice of their intention to resign or retire by a specific date. If, due to extraordinary circumstances, an employee is unable to provide the at least six weeks’ advance notice as required by this paragraph, an exception may be made by the Town Board in its sole discretion, upon receipt of a written request by the employee for same and stating the extraordinary circumstance. In the event of the death of an employee, the Town will pay an employee’s designated beneficiary for any unused vacation leave at the employee’s then current rate of pay.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 281

Councilman Ianfolla offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the sum of \$50.00 to David Daly for reimbursement of a Boat Storage Permit.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 282

Councilman Colligan offered the following resolution, which was seconded by Deputy Supervisor Brach-Williams, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$67.45 to CARR Business Systems for the billing period of 6/7/23 – 7/6/23.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 283

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the following budget transfers are hereby approved:
\$835.00 from the A2705SR Senior Center Donations account to the A6777.484 Senior Center Office & Misc. Account, and
\$30,000.00 from the 2023 A9950.0 Transfers to Capital Projects account to A4540.200 Ambulance Equipment.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 284

Councilwoman Larsen offered the following resolution, which was seconded by

RESOLUTION NO. 455

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, the Town Board finds that an update to align with New York state law is warranted regarding nonunion employee overtime and compensatory time, including as to the manner in which it is paid; and now therefore be it

RESOLVED, that Town Code Chapter 18, Section 7, entitled "Overtime" shall be amended by deleting the stricken words and adding the underlined words as follows:

§ 18-7 Overtime and Compensatory Time.

A. Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or

B. Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

~~A. Overtime shall be paid for work in excess of the regular workweek.~~

~~B. The employee shall be compensated for overtime as may be required as follows~~

~~(1)~~

~~If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or~~

~~(2)~~

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular workweek consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

~~C.~~

~~Overtime shall be paid by being included in the regular payroll at a time designated by the employee, at the discretion of the employee.~~

~~D.~~

~~Overtime and/or compensatory time off for Deputy Town Clerk No. 1 shall be compensated according to the above regulations at a time designated by said employee, at the discretion of said employee.~~

BE IT FURTHER RESOLVED, that Town of Shelter Island Employee Handbook, Section 602, entitled "Overtime/Compensatory Time" shall be amended by deleting the stricken words and adding the underlined words as follows:

1. Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or

2. Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

~~(1)~~

~~If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or~~

~~(2)~~

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular~~

~~workweek consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 456

Councilman Ianfolla offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, by the Town Board of the Town of Shelter Island that the Low Nitrogen Sanitary System Rebates previously authorized on the listed dates to the following individuals in following amounts are adjusted per Town Board Resolution No. 316 on August 8, 2023 as follows:

Authorized	Name	Original Rebate	Updated rebate
11/13/2020	Melissa Elliot	\$8,000	\$16,000 (Well)
11/13/2020	Stephanie Franks	\$8,000	\$12,000
11/13/2020	Mary Fran Gleason	\$6,000	\$12,000
8/16/2022	Smith/Greenburg	\$8,000	\$16,000 (Well)
9/27/2022	Michael Derby	\$6,000	\$12,000
9/27/2022	Alec Sash	\$8,000	\$16,000 (Well)

Vote: 3 in favor 1 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 457

Councilman Colligan offered the following resolution, which was seconded by Deputy Supervisor Branch-Williams, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to advertise for sealed bids for the purchase of fuel oil for the Medical Building, Highway Department building and the Legion Hall for the year 2024.

Vote 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 458

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to advertise for sealed bids for the purchase of propane for the Town of Shelter Island for the calendar year 2024 for the Police Department, Town Hall, Justice Hall and ambulance building.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 459

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Request for Proposals were received by the Town Clerk until 3 p.m. on the 3rd day of November, 2023 for the Shelter Island Ferry Flood Mitigation Study to conduct a feasibility analysis to examine factors which influence flooding and subsequently restrict service at the North Ferry Company and South Ferry Company landings, which were opened publicly and read as follows:

DiLandro Andrews Engineering:	\$202,555.00
L.K. McLean Associates, P.C.:	\$160,200.00, and

WHEREAS, the Town Engineer has reviewed and proposed said bid to the Town Board, now, Therefore

BE IT RESOLVED, that said bid is hereby awarded to L.K. McLean Associates, P.C.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 460

Councilman Ianfolla offered the following resolution, which was seconded by Councilman

RESOLUTION NO. 476

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Thomas Bliss, 32 Baldwin Road, has petitioned the Town of Shelter Island for permission to install a mooring at location designated as 41.05657° North and -72.34161° West formally occupied by the George Strom W-1749 mooring, and

WHEREAS, a public hearing was duly held on the 12th day of December, 2023, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:53 p.m., the Deputy Supervisor opened the meeting to the public. There being no further comments, Deputy Supervisor made a motion to adjourn. Councilwoman Larsen seconded. The motion was carried.

December 28, 2023

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 28th day of December, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan and Barbara J. Ianfolla, Councilwomen Amber Brach-Williams and Margaret A. Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately fourteen persons were also present. All Town Board members signed a waiver of notice.

Supervisor to call meeting at 1:00 p.m.

Salute to Flag

Correspondence included the following:

1. A letter from Stephen Jacobs and the Shelter Island Association regarding the proposed update of the Community Preservation Project Plan.

RESOLUTION NO. 477

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Colligan, to wit:

WHEREAS, the Town of Shelter Island has received a donation from Greg James in support of the Deer & Tick Committee in the amount of \$2,500.00, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit said funds to the A3510.498 ACO deer reduction management account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 478

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, that Resolution No. 462 – 2023 is hereby amended to read as follows:

BE IT RESOLVED, that Richard Dwyer is hereby appointed to serve as Senior Cook at the annual salary rate of \$46,900.00, effective December 27, 2023 for 30 hours per week with a probationary period of 26 weeks starting December 27, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 479

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, that Resolution No. 455 – 2023 is hereby amended to read as follows:

WHEREAS, the Town Board finds that an update to align with New York state law is warranted regarding nonunion employee overtime and compensatory time, including as to the manner in which it is paid; and now therefore be it

RESOLVED, effective January 1, 2024, Town Code Chapter 18, Section 7, entitled “Overtime” shall be amended by deleting the stricken words and adding the underlined words as follows:

§ 18-7Overtime and Compensatory Time.

Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

~~Overtime shall be paid for work in excess of the regular workweek.~~

December 28, 2023 – continued

~~The employee shall be compensated for overtime as may be required as follows~~

~~(1)~~

~~If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or~~

~~(2)~~

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular workweek consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

~~C.~~

~~Overtime shall be paid by being included in the regular payroll at a time designated by the employee, at the discretion of the employee.~~

~~D.~~

~~Overtime and/or compensatory time off for Deputy Town Clerk No. 1 shall be compensated according to the above regulations at a time designated by said employee, at the discretion of said employee.~~

BE IT FURTHER RESOLVED, that Town of Shelter Island Employee Handbook, Section 602, entitled “Overtime/Compensatory Time” shall be amended by deleting the stricken words and adding the underlined words as follows:

Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or

Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

(1)

If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or

(2)

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular work week consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 480

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$7,672.69 from the 2024 A3120.491 PD Contracts account to Lexipol for the contract term of January 1, 2024 to December 31, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 481

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$750.00 from A1220.491 Supervisor Service Contracts account to Records Consultants, INC, for the contract term of September 24, 2023 to September 23, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 482

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$3,987.00 from the A8160.484 Landfill Office & Misc. account to Creative Information System for the contract term of January 1, 2024 to December 31, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 483

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$890.04 from A5010.400 Superintendent of Highways Office & Misc. account to VelocityEHS for the contract term of January 25, 2024 to January 24, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 484

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$1,590.72 from the 2024 A3989.400 NIMS contractual account for the contract term of January 8, 2024 to January 8, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 485

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that the following budget transfers are hereby approved:

\$5,312.34 from A3120.100PS to A3120.100OT;

\$32,639.00 from A3120.486PD Car Gas & Oil to A3120.400PD Maintenance;

\$2,016.00 from A3510.484ACO Office & Misc. to A3120.484PD Office & Misc.;

\$1,275.00 from A3120.457PD Towing to A3120.483PD Telephone;

2024, for the sum of \$59,700.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 440

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized to sign any and all documents in connection with the retainer agreement between the Town of Shelter Island and Peter Johnson for the 2025 tax certiorari legal proceedings.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 441

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Brach-Williams, to wit:

WHEREAS, Chapter 18 of the Town Code, entitled "Personnel Policies" governs certain nonunion employee rights and obligations;

WHEREAS, Section 18-4 of the Town Code entitled "Longevity" states as follows:
§ 18-4 Longevity.

A. Employees hired prior to May 13, 2016, shall be paid longevity as follows:

(1) After five years of service: 5% of the base salary.

(2) After 10 years of service: 10% of the base salary.

(3) After 15 years of service: 15% of the base salary.

(4) After 20 years of service: 20% of the base salary.

B. Employees hired May 13, 2016, or after, shall be paid longevity as follows:

(1) After five years of service: \$1,000.

(2) After 10 years of service: \$2,000.

(3) After 15 years of service: \$3,000.

(4) After 20 years of service: \$4,000.

C. These payments are noncumulative and shall apply to all employees covered by this agreement. Longevity will be based upon the date of employment and shall be paid in a lump sum each year on the employee's anniversary date of employment, included in the regular paycheck.

WHEREAS, longevity is more favorable for employees hired prior to May 14, 2016 versus those hired thereafter; and

WHEREAS, to retain employees and make it more equitable for new hires; now therefore be it

RESOLVED, that pursuant to Section 18-18 of the Town Code Section 18-4 shall be amended as follows:

§ 18-4 Longevity.

A. Employees ~~hired prior to May 13, 2016~~, shall be paid longevity as follows:

(1) After five years of service: 5% of the base salary.

(2) After 10 years of service: 10% of the base salary.

(3) After 15 years of service: 15% of the base salary.

(4) After 20 years of service: 20% of the base salary.

~~B. Employees hired May 13, 2016, or after, shall be paid longevity as follows:~~

~~(1) After five years of service: \$1,000.~~

~~(2) After 10 years of service: \$2,000.~~

~~(3) After 15 years of service: \$3,000.~~

~~(4) After 20 years of service: \$4,000.~~

C. These payments are noncumulative and shall apply to all employees who work at least 30 hours weekly covered by this agreement. Longevity will be based upon the date of employment and shall be paid in a lump sum each year on the employee's anniversary date of employment. ~~included in the regular paycheck.~~

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 442

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, to wit:

WHEREAS, the Chief of Police and Emergency Management Coordinator, James Read, requested permission from the Town Board to include a tax bill enclosure regarding resident sign up for electronic emergency notifications;

WHEREAS, the Town Board reviewed said enclosure and has determined that such request would benefit the residents of the Town of Shelter Island by increasing the emergency awareness;

WHEREAS, pursuant to Town Code Section 115-26 (A), the Town Board has the authority to grant such a request; now, Therefore,

BE IT RESOLVED, that the Tax Receiver may include an enclosure within tax bills regarding resident subscription for electronic emergency notifications.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 443

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickson, to wit:

WHEREAS, on November 18, 2024, John Spinelli submitted his resignation in writing from all of his Town positions including School Crossing Guard, Detention Attendant, and Court Officer, and now therefore be it

RESOLVED, that the Town Board of the Town of Shelter Island hereby accepts the resignation of John Spinelli from the positions of School Crossing Guard, Detention Attendant, and Court Officer, effective retroactively to the end of business November 18, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 444

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, pursuant to Section 30 (1) (h) of the Public Officers Law, a Town officer must sign and file a constitutional oath of office within 30 days after the term of office begins, and

WHEREAS, Kal Lewis was appointed to serve as on call, as needed FIT Aide, and

WHEREAS, the abovementioned person has not yet signed and filed said constitutional oath of office, and

WHEREAS, the Town Board desires to have the aforementioned person serve the Town of Shelter Island in the designated capacity, now, therefore

BE IT RESOLVED, that the Town Board hereby appoints the aforementioned person to the designated position.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 445

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Brach-Williams, to wit:

September 29, 2025 – continued

BE IT RESOLVED, that Laurel Hardy is hereby appointed to serve as Full-Time Provisional Deputy Town Assessor, effective September 29, 2025, to be paid at a rate of \$65,000.00 per year, 30 hours per week, with a probationary period of 26 weeks.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 404

Councilman Dyett offered the following resolution, which was seconded by Councilman Gooding, to wit:

BE IT RESOLVED, that 2025 FIT membership fees are hereby amended as follows:

Daily Pass	\$15.00
1-Month Membership	\$100.00
Youth Membership	\$50.00
Shelter Island School Students Free	
<u>Shelter Island student domiciliary ages 14-17</u>	Free
College Student	\$100/year
Volunteer EMT/Fire	\$175.00/year
Individual Membership	\$295.00/year
Family membership	\$455.00 /year

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 405

Councilman Gooding offered the following resolution, which was seconded by Councilman Dickson, to wit:

WHEREAS, on February 5, 2021, the Town Board adopted an Employee Handbook; and

WHEREAS, the Town Board wishes to update policy number 708 Medical Insurance for Retirees to be consistent with policy number 706 Medical Insurance, now, therefore

BE IT RESOLVED, that the following underline amendments shall be made to the Town of Shelter Island Employee Handbook, policy 708 Medical Insurance for Retirees:

Coverage - The Town currently offers medical insurance coverage to an eligible full-time employee or Elected Official who retires from the Town. Coverage is also currently available for eligible dependents (includes spouse and domestic partners) if they were covered under the Town's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 406

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Recreation Committee of the Town of Shelter Island, is hereby dissolved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 407

Councilwoman Larsen offered the following resolution, which was second by Supervisor Brach-Williams, to wit:

WHEREAS, Kevin Lechmanski, IT Department Head, has requested permission to dispose of certain equipment, now, therefore

BE IT RESOLVED that the Town Board does hereby declare the following equipment to be surplus: