



CITY OF PLATTSBURGH

PERSONNEL POLICY AND PROCEDURE MANUAL

Adopted By Resolution of the Common Council on December 6, 2018

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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 City of Plattsburgh. 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 Manual 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 City in delivering services to the public effectively and efficiently.

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

We trust that you will find service with the City of Plattsburgh rewarding both personally and professionally.

102 *A Message for Our Union Members*

This Employee Manual has been developed by the City of Plattsburgh to assist you in getting acquainted with your employment with the City. 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 Manual. 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, supervisor or union representative.

We hope that your career with the City of Plattsburgh will be an enjoyable experience.

103 *Definitions*

City of Plattsburgh – For purposes of this Employee Manual, the City of Plattsburgh may be referred to as the “City”.

Common Council – For purposes of this Employee Manual, “Common Council” will mean the Common Council of the City of Plattsburgh.

Elected Official – For the purposes of this Employee Manual, “Elected Official” will mean and refer to any of the following elected officials of the City of Plattsburgh:

- Mayor
- Common Councilors (6)

Department Head – For purposes of this Employee Manual, “Department Head” will mean one of the following individuals:

- Mayor
- Chamberlain
- Corporate Counsel
- Library Director
- City Clerk
- Chief of Police
- Fire Chief
- Building Inspector
- Superintendent of the Department of Public Works
- Head of the Municipal Lighting Department
- Environmental Manager for the Water and Sewer Department
- Director of Community Development

Additionally, when referenced in this Employee Manual, Department Head shall also mean an individual acting with the properly delegated authority of one of the above.

Manager – For purposes of this Employee Manual, “manager or supervisor” will mean a Department Head or an individual so designated by a Department Head to direct and inspect the performance of employees.

Employee – For the purposes of this Employee Manual, “employee” will mean a person employed by the City, 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, or trainee, but not an independent contractor.

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

104 **Employee Classifications**

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

Full-Time Employees – For purposes of this Employee Manual, 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 – For purposes of this Employee Manual, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work twenty hours or less per week.

Temporary Employees – For purposes of this Employee Manual, 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.

In accordance with the rules set forth by New York State and Local Retirement System, temporary employees who are employed full-time for a period greater than one year will be required to join.

Temporary employees may be granted additional benefits, not normally offered to temporary employees, if required by grant monies received by the City.

Seasonal Employees – For purposes of this Employee Manual, the term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

FLSA Non-Exempt Employees – For purposes of this Employee Manual, 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 – For purposes of this Employee Manual, “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.

105 *The Purpose of this Employee Manual*

Statement of Purpose – The purpose of this Employee Manual is to communicate the City’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 Manual 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, City Law, collective bargaining agreement, or any other applicable law, rule, or regulation.

Previous Personnel Policies – Unless otherwise specified, the provisions and policies contained in this Employee Manual are intended to supersede any and all prior personnel manuals, guidelines or related policies issued by the City concerning all policies contained herein.

Collective Bargaining Agreements – In the event an expressed and explicit provision set forth in a collective bargaining agreement between the City of Plattsburgh 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 Manual, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Manual will be applicable to all employees.

Police Department/Fire Department – For the purposes of some of the policies stated in this Employee Manual, the City of Plattsburgh Police Department and Fire Department have the authority to promulgate their own policies and procedures. Further, there are rules and regulations controlling these respective Departments in the City Code of the City of Plattsburgh. If a policy stated in this Employee Manual differs from a rule, regulation or policy established by the City Code, Police Department, or Fire Department the latter shall supersede.

Questions – Any questions regarding any topic covered in this Employee Manual should be directed to the appropriate Department Head or the Human Resources Administrator.

106 Changes or Modifications

Rights of the Common Council – The Common Council or its designee reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Manual.

Governmental Actions – This Employee Manual is subject to alteration by resolutions of the Common Council, changes in City and/or departmental rules, City Code, 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 City Law or ordinance should conflict with any provision contained in this Employee Manual, 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 *Civil Service Rules For Clinton County* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

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 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 City 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 City of Plattsburgh is an Equal Opportunity Employer. The City 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, City Law, Civil Service Law, Title VII of the Civil Rights Act of 1964 (as amended), 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 City intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The City reserves the right to fill a position either internally or with an external candidate.

Employment Applications – The City 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 City'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 City are well qualified and have a strong potential to be productive and successful, it is the policy of the City 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 City to conduct appropriate background checks specific to the position.

Pre-Employment Physicals / Drug Screening – When appropriate in accordance with the requirements of a particular position, the City 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 City will comply with the provisions of the Americans with Disabilities Act (see Section 702 of this handbook.) Additionally, all final applicants for a position that 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 Requirement – Pursuant to the City Charter, Elected Officials are required to reside in the City of Plattsburgh as a requirement of their employment with the City.

303 *Employment of Relatives*

Policy Statement – A member of an employee's immediate family may be considered for employment by the City 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.

If the employment of relatives exists in a supervisory relationship at the time that this policy is adopted, the employees will be "grandfathered in" and will not be affected by this provision.

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 City will attempt to find a suitable position with the City 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 regulation

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*

Except as otherwise provided in a collective bargaining agreement, employees appointed, promoted or transferred by the City are subject to a probationary period as set forth in the Civil Service Rules For Clinton County.

305 *New Employee Orientation*

Procedure – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the City 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 Manual, and enrollment in benefit plans, if applicable. The initial phase of the new employee orientation process will be conducted by the Human Resources Administrator. In addition, the employee's supervisor is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the performance requirements of the position with the employee.

306 *Corrective Action and Discipline*

Policy Statement – It is the policy of the City of Plattsburgh that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the City, and the delivery of services to residents of the City. Any conduct that interferes with operations or that discredits the City will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the City. 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 City of Plattsburgh'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 City 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 City 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. Investigations may be conducted by Human Resources, the City Attorney, and the applicable Department Head, an outside firm or a combination of the aforementioned individuals. 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 City 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 or the applicable collective bargaining agreement. (Refer to Section 307 of this Employee Manual).

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 City's right to impose discipline in other appropriate cases.

- Willful violation of City'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 City, supplier, visitor, or any other person, whether on or off City premises.
- Engaging in any action that is in violation of the City's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on City property or in City 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 City property or in City vehicles.

- Willful or deliberate abuse, destruction, defacement, or misuse of City property or the property of another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of City property or the property of another employee, Elected Official, resident of the City, 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 City.
- Improper use or abuse of sick leave, including falsifying supporting documentation.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, Elected Official, resident of the City, 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 City 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 City, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the City'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 City 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 City 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.
- 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.

- 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.

This list is not intended to be comprehensive and does not limit the City's right to impose discipline in other appropriate cases.

307 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 City.

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 – An Employee should review Civil Service Law Section 75 to determine whether he/she is entitled to the benefits of that section.

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 settlement between the City 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 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 City 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 Human Resources Office. A copy will also be filed with the City of Plattsburgh Civil Service Commission.

308 Code of Ethics

Purpose – Pursuant to the provisions of § 806 of the General Municipal Law, and Chapter 52 of the City Code, the Common Council recognizes that there are standards of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be expected and if public confidence is to be maintained by our city government. It is the purpose of this Chapter to promulgate these rules of ethical conduct for officers and employees of the City of Plattsburgh. These rules shall serve as a guide for official conduct of officers and employees of the City of Plattsburgh. The rules of ethical conduct of this Chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees. The full Code of Ethics can be found in the Code of the City of Plattsburgh.

309 Personnel Records

Policy Statement – It is the policy of the City to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the City will endeavor to maintain only that personnel information necessary for the conduct of the City'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 City 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 Office of the Human Resources Administrator and will be maintained and managed by the Human Resources Administrator.

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.

Medical Records – All employee medical records will be kept in a separate file apart from the employee's personnel file in the office of the Human Resources Administrator and will be maintained and controlled by the Human Resources Administrator. ***For security purposes, these files will be locked at all times.***

Substance Testing Records – All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the office of the Human Resources Administrator and will be maintained and controlled by the Human Resources Administrator. ***For security purposes, these files will be locked at all times.***

Change in Status – An employee must immediately notify the Human Resources Administrator 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.

310 Review of Personnel Files

Policy – The Human Resource Department along with Civil Service maintains an accurate, current and complete personnel file for each employee. The personnel file contains such information as the employment application, report of personnel change, and other pertinent documents. All employees shall have the right to examine their personnel file.

Procedure:

- 1) An employee, upon seventy-two (72) hours written notice to the Human Resources Administrator and the employee's Department Head, shall be allowed to examine his/her personnel record.
- 2) Employees may have their Union representative present at such review.
- 3) The Department Head, Human Resources Administrator and/or Civil Service Coordinator may be present singularly or collectively when the employee reviews his/her personnel record.
- 4) Copies of an employee personnel record may be made with proper notice given in accordance with NYS Labor Law.
- 5) All employment record disputes must be submitted in writing to the Department Head and Human Resources Administrator for analysis.

- 6) The Human Resources Administrator in turn shall have responsibility for settling employment personnel record disputes in conjunction with the City Attorney.

311 Separation from Employment

Notice of Resignation or Retirement (Employees) – An employee who intends to resign or retire from employment must submit a written resignation to the employee’s Department Head at least two weeks before the date of resignation is to be effective. Notice of all resignations shall be forwarded to the Clinton County Civil Service Office

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

Exit Interviews – Exit interviews are a required condition of employment separation, at the discretion of the Human Resources Administrator. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of City property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck – Upon completion of the conditions of separation, employees receive their final paycheck on the next appropriate payday. Employees who normally receive their paychecks via direct deposit will receive a physical paycheck for their final paycheck. 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 Common Council 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.

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

City 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 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 of at least thirty minutes. The length of the meal break will be determined by the employee's Department Head or applicable collective bargaining agreement.

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.

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. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time. A Department Head and employee can agree that the employee may work through a meal period in exchange for being able to leave work early on an occasional basis due to employee needs. However, the Commissioner and employee cannot agree to such a situation on a long-term, regular basis.

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 break to express milk for a nursing child. The City 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 City 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 work space, 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 City advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the City 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 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 Mayor may authorize the delayed opening or full-day closure of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Mayor may direct that certain employees who perform non-essential services leave work, in accordance with the City's Emergency Management Plan.

In the event of an emergency delay, an employee will be expected to arrive at the delayed start-time, initiated by the Mayor, and stay until the end of their normally scheduled workday.

Payment of Wages – Employee pay will not be affected by an emergency closing regardless of whether or not the closure is announced prior to the start of the workday or during the workday.

Lunch Breaks During an Emergency Closure – If the Mayor initiates an emergency delay, an employee will only be permitted to take a lunch break if they work more than six hours in a given workday.

Inclement Weather – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the City. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Mayor 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.

404 ***Time Records***

Policy Statement – Time records provide a means of accurately accounting for time worked and authorized paid leave taken by employees.

Procedure – Employees are required to complete an individual time sheet showing the daily hours worked, in accordance with the procedures outlined by the City Chamberlain.

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 the correction once 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 ***Expense Reimbursement***

Policy Statement – Upon proper authorization of the Common Council, an employee or Elected Official will be reimbursed for expenses associated with carrying out City 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 Purchasing in the Accounts Department in order for the reimbursement to be processed, in accordance with the City Purchasing Policy.

Purchasing Policy and Procedure Manual – All purchases and expense reimbursements must be in compliance with the procedures outlined by the City Chamberlain.

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 Common Council will be required for significant or non-standard expenditures. The Common Council 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 City business will be reimbursed at the mileage rate established annually by the IRS.

Required Membership Fees – Upon proper authorization of the Department Head, 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.

406 *Fleet Safety Policy*

Policy Statement – All vehicles and related equipment of the City of Plattsburgh are owned and maintained for the purpose of conducting official business of the City. The City's vehicles and moving equipment may not be used for personal use or private gain by any official or employee, or for any other purpose which is not in the general public interest. Notwithstanding the above, the Mayor may authorize specific employees to bring their City vehicle to their residence in order to expedite emergency/off-hour calls for service.

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

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

Tools and Equipment – The employee must repair or replace any City-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 City-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 City facilities, City-owned tools or equipment to work on vehicles or equipment not owned by the City.

Laptop and Tablet Computers – Employees may be required by their Department Head to bring a laptop or tablet computer home with them to complete assigned tasks. Additionally, if an employee wishes to bring home a laptop or tablet computer, they must first seek prior approval from the applicable supervisor or Department Head.

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

408 *Telephone / Cell Phone Usage*

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

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each supervisor or Department Head is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may make or receive personal telephone or cell phone calls during work hours, as long as it does not interfere with work performance.
- Excessive use of a cell phone for personal text messaging during work hours is prohibited.
- The use of City issued cell phones is monitored to ensure no excessive or inappropriate use occurs. Web browsing, music, movies and/or games are strictly prohibited when using a City-owned cell phone.
- Employees may not use a cell phone while driving on City business, in accordance with New York State Vehicle and Traffic Law. Violations of this law will result in employee discipline.
- Upon the cessation of employment with the City, prior to the final day of employment, any City issued cell phone and accessories, and any associated cell-phone number, shall be returned to the City.

Personal Cell Phone / Electronic Device Usage – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown above. 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.). Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the City. For further information, see the City Acceptable Use For Information Technology Resource Policy in its entirety is annexed to this handbook under Appendix B.

409 ***City Computer Use Policy***

Policy Statement – The City of Plattsburgh's IT Network and Computer Systems are City property that are provided for general business purposes to increase productivity and effectiveness. These policy guidelines have been established to ensure that the City's network and computer systems are used in a productive manner. All use of city equipment or during employment hours shall be confined to interactions and communications of a type approved by the appropriate Department Head or Mayor and primarily for the purpose of performing the duties of one's job. There is no expectation of privacy when using City equipment or communicating during hours of employment.

All employees, as well as anyone given access privileges to City computer systems as an "approved user" are required to abide by these guidelines. The City Computer Use Policy in its entirety is annexed to this handbook under Appendix A.

410 **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, LinkedIn, Instagram, Flickr, Snapchat, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser. For further information, see the City Acceptable Use For Information Technology Resource Policy and Computer Use Policy in their entirety is annexed to this handbook under Appendix B.

Usage – All employees are strictly prohibited from accessing Social Media sites from City- owned computers or communication systems. The only exception to this rule is when the use is directly pertinent to City business.

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 City owned, as well as those that are City property.

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

- Disclosing confidential or proprietary information pertaining to matters of the City 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 City, or its employees, services, or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the City, or while wearing City uniforms – the only exception to this rule is when it is directly pertinent to City 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 City, or of any individual acting in their capacity as a City employee or official, or otherwise on behalf of the City, when that is not the case.
- Posting anything in the name of the City or in a manner that could reasonably be attributed to the City without prior written authorization from the applicable Department Head.
- Using the name of the City or a City e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with City 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 City-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 on non-work time. 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. City 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 or the Human Resources Administrator. Once the Department Head or Human Resources Administrator 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.

411 *Personal Appearance*

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

Business Casual Day – The City Hall has designated Fridays as "casual day", whereby employees are permitted to dress in a more casual fashion than is normally required. On casual day, employees are permitted to wear jeans. Jeans must be neat and presentable. This policy does not apply to employees who are required to wear uniforms or other types of special clothing. On casual days, employees are still expected to present a neat appearance. The City reserves the right to notify an employee if dress is deemed to be inappropriate.

Safety Clothing and Equipment – An employee may be required to wear safety clothing and equipment as directed by the Department Head and/or mandated by OSHA for specified job duties. If such is the case, the employee must comply with all safety requirements. Safety clothing and equipment is governed by OSHA and NYS PESH.

Uniforms – An employee may be required to wear a uniform 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.

412 *Solicitations/Distributions*

Policy Statement – It is the policy of the City 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 City's security.

414 *Visitors*

Policy Statement – It is the policy of the City not to allow personal visitors during working hours, except for emergency situations. Visitors are allowed for brief visits during an employee's meal break as long as such visit does not interfere with City operations or interrupt other employees who are still working.

Confidential Information – No visitor shall be allowed in an area where confidential information is stored or could be viewed. Employees must ensure the protection of confidential information in the presence of visitors.

Children in the Workplace – The City discourages employees from bringing their children to work, other than for brief visits, as defined above. If the situation is unavoidable, the employee must seek prior approval from their Department Head in order to bring their child to work for an extended period, or all of the workday.

415 *Purchasing*

Policy Statement – All purchases must be made in accordance with the City of Plattsburgh Purchasing Policy is Annexed to the handbook under Appendix D. This document must be followed without exception. No employee shall make purchases for the City, or use the City's name to make purchases, or use a City account, unless so authorized and in adherence to the procedures set forth in these policies and procedures. The Purchasing Policy falls under the purview of the City Chamberlain.

416 *Maintenance of Work Area*

Policy Statement – It is the policy of the City 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;
- Report any existing or potential workplace hazards and safety violations to the Department Head as appropriate;
- Abide by the smoking policy as specified in this Employee Manual;

- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by generally accepted work standards, the 2015 International Building Code, OSHA and/or PESH regulations.

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 work areas, aisles, floors and walls are free from debris and other unnecessary items and fire hazards;
- 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 City’s smoking policy and safety policies;
- Ensure the proper disposal of all trash and waste.

417 *Pets in the Workplace*

Purpose – This policy endeavors to enhance the safety and comfort of employees and visitors while, at the same time, reducing the possibility of disruptions and/or distractions in the City’s working environments. It is designed, as well, to reduce the City’s liability.

Policy – Employees are strictly prohibited from bringing pets into the workplace. Even the calmest and most well-behaved of pets can be a distraction or disruptive to the work environment of employees and visitors. In addition, members of the City community may have allergies to or simply be afraid of pets as defined in this policy. Furthermore, a poorly behaved pet may pose a safety concern. All of these factors put the City at a risk of potential liability.

This policy does not apply to trained assistance dogs that are actively engaged in the service for which they are trained. This includes all Police and Fire animals.

This policy does not apply to dogs brought into a City building for the purpose of licensing.

Responsibility – All City personnel are responsible for assuring fulfillment of this policy. Questions pertaining to this policy should be directed to the Human Resources Administrator.

418 *Personal Property*

Policy Statement – It is the policy of the City to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The City 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. The City 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 City Premises – An employee is prohibited from storing personal belongings such as motor vehicles, boats, trailers, televisions, etc. on City premises without the express written permission of the Department Head. The City 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 remains the sole property of the City. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, with or without notice. The inspection may or may not be made in the presence of the employee. The City is not responsible for loss or damage to personal property placed in such storage devices.

419 City Property

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

- Tools and Equipment, including Protective Equipment
- Identification Badges and Proximity Cards
- Keys
- Uniforms
- Communication Devices, including cell phones and cell phone numbers
- Laptop and tablet computers and peripherals
- Books or other Reference Materials, including this Employee Handbook

Return of Property – All City property must be returned to the City before the employee's last day of work, with the exception of clothing or items of a personal nature as outlined in an applicable collective bargaining agreement.

420 Unauthorized Work

Policy Statement – An employee may not perform work for any entity other than the City during the employee's authorized work hours. Employees must devote their full scheduled shift to City business, as assigned. The City's Code of Ethics specifically outlines an employee's responsibilities and prohibitions for unauthorized and/or personal work. In some cases, prohibitions are position specific. Please consult the City's Code of Ethics for these guidelines.

421 Outside Employment

Policy Statement – It is the policy of the City 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 City.

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 City's scheduling demands, regardless of any existing outside work requirements.

- If the City determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the City 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 City.
- No City equipment, supplies, or other material may be used by an employee for purposes other than City 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 City for materials produced or services rendered while performing the employee's City 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 City.

Employee Responsibility – A City employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the City Attorney's office. The City's Code of Ethics specifically outlines an employee's responsibilities and prohibitions for outside employment. In some cases, prohibitions are position specific. Please consult the City's Code of Ethics for these guidelines.

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

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 waived.

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.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's supervisor prior to the employee's scheduled starting time. The employee must speak directly with the supervisor, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Leaving a

message on an answering device or with a co-worker is not permitted. Notification requirements may be waived in cases of emergency.

Unexcused Absences – Notification of an absence to an employee's supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's supervisor is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure – In the event an employee must leave work during the workday, the employee must receive permission from the employee's supervisor or Department Head prior to leaving.

Leaving the Premises – An employee must obtain prior approval from the employee's supervisor 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, in accordance with the applicable collective bargaining agreement. 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 City 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 City. 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 City 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 City. 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 City 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*

Policy – Any employee who is an active member of the United States Armed forces (including the Army, Navy, Marine Corp., Air Force, Coast Guard, National Guard, and their respective reservists) and

is on ordered military duty, shall be granted a military leave of absence with full pay for up to twenty-two (22) working days or thirty (30) calendar days (whichever is greater) per calendar year, and not exceeding thirty (30) calendar days or twenty-two (22) working days, whichever is greater, in any one continuous period of such absence, as provided in Article 11, Section 242, of NYS Military Law.

When military leave extends beyond the periods mentioned above, employees are entitled to use any accrued vacation leave, personal leave, or compensatory leave so they do not have to be on military leave without pay.

Requests for a military leave of absence must be submitted in writing, along with a copy of the military orders issued by competent state or federal authority, to the Department Head at least thirty (30) days prior to the start of the leave. When the need for the leave or an extension is not foreseeable, employees should give as much notice as is practical.

If the military orders cannot be produced before the leave begins, due to circumstances beyond the employee's control, they should be presented to the applicable Department Head upon the employee's return, or as soon thereafter as is practicable.

Timesheets and applicable supporting documentation shall indicate the use of military leave.

Any other military leave benefit(s) to which an employee may be entitled, will be administered in accordance with the appropriate law, rule, regulation.

Purpose – The City of Plattsburgh adopts this policy to ensure that Military Leave for eligible City employees who are on ordered military duty is administered in a manner consistent with Federal and State law.

Definitions:

Eligible Employee: A full-time City employee.

Ordered Military Duty: Any military duty performed in the service of the State or the United States, including but not limited to attendance at any service school or schools conducted by the Armed Forces of the United States, pursuant to orders issued by competent State or Federal authority, with or without the consent of the employee, performing advanced training duty as a member of a reserve component of the Armed Forces.

Military Pay:

- In the event that any full-time City employee who is an active member of the United States Armed Forces is called to ordered military duty for a time period that extends beyond that covered by NYS Military Law, Article 11, Section 242 (5), said employee shall be entitled to an additional fifteen day or eleven working days, whichever is greater, in any other compensation or benefit established in NYS Military Law, Article 11; and
- Full-time City employees who are active members of the United States Armed Forces, upon being called to ordered military duty other than training, shall be compensated by an amount equal to the difference between their respective gross regular City salary at the time of call and their gross military pay; and

- Said compensation shall be made for a period not to exceed employees' period of ordered military duty.
- Said employees shall be entitled to proportionate FICA and retirement benefits; and
- The City shall continue current medical insurance benefits, if provided at the time benefits under this resolution are activated, to said City employees with dependents, only; and
- The Common Council shall review the circumstances of every City employee who is an active member of the United States Armed Forces who is called to ordered military duty and is stationed in combat zone as designated by a Presidential Executive Order to determine if additional compensation shall be awarded, in an amount not exceeding the employee's full regular gross City salary for a period of up to six consecutive months; and
- This review may be initiated on the Common Council agenda of any department. Should no department initiate the review, then it shall be on the Finance Department agenda; and
- The Common Council shall have authority to reconsider any determination made above at any time; and
- Employees are required to submit reasonable notification to their supervisor and the Payroll Department to be eligible for said benefits.

504 *Leave for Cancer Screening*

Policy – The City of Plattsburgh complies with New York State Civil Service Law which entitles all City employees annual paid leave to undertake screening for any type of cancer (under §159-b). 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 up to four hours of paid leave per year for the purpose of undergoing a screening procedure for any type of 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 Donations*

Policy –The City of Plattsburgh complies with New York State Labor Law Section §202-j which entitles City employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. 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 this same purpose.

Allowance – An eligible employee will be allowed a leave of absence 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.

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 Family and Medical Leave Policy

Statement of Compliance – The City of Plattsburgh 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 twelvemonth 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 twelvemonth 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 City 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 City 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 City 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.

Child Rearing Leave – The City may grant up to four months for child-rearing leave to any permanent employee. Such leave shall be without pay and shall not be unreasonably denied.

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 City 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, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee must complete the Family and Medical Leave Act Request Form and forward the completed form to the Human Resources Administrator for review. The failure of an

employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

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 must 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 Human Resources Administrator. 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 City of Plattsburgh reserves the right to request a second opinion by another health care provider. The City will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the City may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the City 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 City of Plattsburgh.

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** must first use all 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 vacation and sick 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 Common Council 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 *Civil Service Rules For Clinton County*.

- **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 work week period, the employee should refer to Sections 713 – Short Term Disability and 714 – 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, in accordance with the provisions set forth in the Finance Department's Policies and Procedures. Premium payments or policy coverage are subject to change. In addition, the City 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 Short-Term Disability may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the City 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 City 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 City, it can be counted against the employee's FMLA leave. CFR 825.207d,e

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 *Civil Service Rules For Clinton County*.
- **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. 825.312b no second or third opinions allowed
- **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.

507 Unpaid Leave of Absence

Policy Statement – Subject to the approval of the Department Head, 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 at least thirty calendar days prior to planned commencement of the requested leave. Shorter notification may be permitted in cases of emergency. The Common Council has sole discretion in approving such leave.

Conditions of Leave – 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.

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 EMPLOYEE BENEFITS

601 General Provisions

Union Employees – Details regarding benefits for any employee who is a member of a collective bargaining unit are set forth in the applicable collective bargaining agreement.

Non-Union Employees – The City provides benefits for eligible non-union employees as established through Common Council resolution of the manager’s salary and benefits on a periodic basis. This Resolution specifies which job titles are eligible for the compensation and benefits set forth within it.

602 Managers’ Benefits and Salary

Terms and Conditions of Employment of Managers with the City of Plattsburgh Commencing Employment in any Title with the City of Plattsburgh After March 1, 1990

Passed by Common Council Resolution November 29, 2018, effective January 1, 2019

RESOLVED, that, except those persons currently employed as managers in the Fire Department, Police Department, and the current Building Inspector, or those with Level 1 agreements, all managers shall receive only the terms and conditions of employment set forth in the attached “Terms and Conditions of Employment of Managers with the City of Plattsburgh; and it is further

RESOLVED, that the terms and conditions of employment set forth in the attached “Terms and Conditions of Employment of Managers with the City of Plattsburgh shall supersede, without limitation, all prior policies, resolutions, documents and other commitments providing for the terms and conditions of employment of managers who are employed with the City of Plattsburgh, except those persons currently employed as managers in the Fire Department, Police Department; the current Building Inspector, or those with Level 1 agreements; and it is further

RESOLVED, managers who are employed with the City of Plattsburgh, except those persons currently employed as managers in the Fire Department, Police Department, the current Building Inspector, or those with Level 1 agreements, shall not receive the terms and conditions of employment contained in any collective bargaining agreement.

Terms and Conditions of Employment of Managers with the City of Plattsburgh

Vacations

(A) Employees covered by this policy shall be entitled to 10 working days’ vacation during each of their first five years of continuous service. After five years of continuous service, such employees shall be entitled to 15 working days of vacation. After 10 years of continuous service, such employees shall be entitled to 20 working days’ vacation. After 20 years of continuous service, such employees shall be entitled to 25 working days’ vacation.

(B) Vacations shall be taken in the year during which the employee becomes entitled thereto, and no part of such vacation leave in excess of 2 days may be carried over without the prior written consent of the Mayor, which consent shall be requested prior to the first day of January of the year into which the vacation leave is to be carried over.

(C) An officer or employee hired after January 1, during any given calendar year, will initially receive a prorated amount of vacation days based upon the number of days remaining in the calendar year in which he or she is hired. The following January 1, and every January 1 thereafter, a full year’s worth of vacation credits shall be allotted based upon length of service.

(D) Employees covered by this policy will not receive payment of unused vacation upon separation.

Sick, Bereavement, and Personal Leave

(A) An employee covered by this policy shall be granted 12 working days per year of sick leave. The Mayor may require a physician's certificate for any absence of more than 2 consecutive days. Should the employee fail to produce such a certificate when required by the Mayor, the employee shall not be permitted to charge sick leave for the absence.

(B) An employee may accumulate seventy-five (75) days of sick leave.

(C) Sick leave shall for all purposes be considered as continuous service, but, in the event of termination or separation of employment for any reason, unused and accumulated sick leave shall be cancelled.

(D) No payment of unused and accumulated sick leave will be made.

(E) In the event of a death in the immediate family of an employee (spouse, parents, stepparents, children, sister, brother, grandparents, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchildren, step-brothers, step-sisters, half-brothers, half-sisters), the employee shall be granted three (3) consecutive work days' leave of absence with pay for the days he/she would otherwise have worked to make household adjustments or arrange to attend funeral services. These days will be paid in full and charged to the employee's accrued sick time.

The Mayor may require proof of death and/or proof of relationship.

(F) An employee shall be entitled to a one (1) day leave of absence with pay to attend funeral services in the event of the death of an aunt, uncle, niece, nephew, brother-in-law, or sister-in-law. This day will be paid in full and charged to the employee's accrued sick time. The Mayor may require proof of death and/or proof of relationship.

Mileage for Use of Private Car

Employees required to use private vehicles on city business will be reimbursed for mileage at the then current IRS rate.

Holidays.

(A) All employees covered by this policy shall be entitled to receive time off for each of the following 11 holidays:

New Year's Day

Martin Luther King Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Christmas Eve Day

Christmas Day

(B) All employees covered by this policy shall be entitled to receive (2) discretionary holidays among the following: Good Friday, the Friday after Thanksgiving Day, and New Year's Eve Day, upon approval by the Mayor.

Retirement and Health Insurance.

(A) To be eligible for City provided health insurance during retirement, an employee must retire with 20 years' service credit with the City and have reached age 55 prior to retirement from the City. The City will provide single, two-person, or family coverage until the employee becomes eligible for Medicare or the death of the employee, whichever shall first occur, at which time the City will no longer provide any coverage. Only a spouse and dependent(s) receiving coverage at the time of the employee's retirement from the City shall be eligible to receive coverage.

(B) For employees that qualify as set forth above, 2018, the City shall pay 85% of the applicable healthcare premium and the employee shall contribute 15% of such premium.

(C) The City shall determine the plan or plans to be made available to retirees.

Active Officers and Employees Health Insurance.

(A) The City will provide health insurance coverage to employees covered by this policy. Current employees shall contribute 15% and the City shall pay 85% of the applicable health insurance premium through payroll deduction. Employees hired after November 1, 2018 shall contribute 22.5% of the applicable health insurance premium through payroll deduction. The City shall determine the plan or plans to be available to employees.

(B) Employees who opt out of the City's health insurance program shall receive \$1000 if eligible for individual coverage, \$2000 if eligible for two-person coverage, or \$2500 if eligible for family coverage, payable the first pay period in December. Those opting out must provide proof of alternative coverage. The decision to opt out shall be made by November 30 of the year preceding the opt-out year.

(C) The City will provide health insurance coverage to the verified domestic partner of a manager under the same conditions that the City provides such coverage to other City employees. The City may require a manager and or his/her domestic partner to sign such affidavits and provide such proof that they are in a relationship of mutual support and commitment and that they have assumed the responsibility for each other's welfare and well-being as determined by the Mayor or as otherwise authorized by the Council.

Clothing Allowance.

Effective January 1, 2019, employees covered by this policy, other than employees of the police and fire departments, will not receive a clothing allowance. Employees of the police and fire departments covered by this policy shall receive the same clothing allowance as the employees they supervise receive pursuant to the applicable collective bargaining agreement.

Jury Duty.

Employees covered by this policy shall be granted the necessary time off, with pay, to perform jury duty. Employees serving jury duty shall report to work if excused from service prior to the end of the normal workday.

Recreation Center Membership

Employees covered by this policy shall be granted access to a membership at the Recreation Center on the same terms and conditions as other City employees.

Salary and Longevity

(A) Managers hired on or after March 1, 1990, shall receive wages/salaries in accordance with the attached salary schedule. Current managers hired between April 5, 2018 and November 20, 2018, will align with Steps according to that which is the next highest step to their current salary.

(B) Such employees shall also receive longevity payments as follows: upon completion of 5, 8, 10, 15, 20, 25, 30, 35, 40 years of service, 2% of annual salary. Beginning with the first payroll period after an employee reaches the applicable anniversary date, the employee will receive the appropriate longevity payment in equal bi-weekly installments over 26 payroll periods. Salary and longevity will continue to be included in calculating the final average salary. Employees separating from employment prior to reaching his/her five-year anniversary will not receive any prorated payment of longevity.

(C) The attached salary schedule shall be reviewed annually based on the City budget as well as the Consumer Price Index for All Urban Consumers: All Items in the Northeast Class B/C (2,500,000 persons or less) as calculated in October of each year. In no event shall increases in the salary schedule be more than 1.5% per year.

(D) Managers no longer eligible for step increases may receive an annual salary increase of no more than 1.5% based on the City budget as well as the Consumer Price Index for All Urban Consumers: All Items in the Northeast Class B/C (2,500,000 persons or less) as calculated in October of each year.

**CITY OF PLATTSBURGH
SCHEDULE 1
BASIC SALARY SCHEDULE
EFFECTIVE JANUARY 1, 2019
1.5% Increase**

| TIME IN STEP RANGE NUMBER | ENTRY ZONE | | | REGULAR PERFORMANCE ZONE | | | | | EXTENDED SERVICE ZONE | | | | MAXIMUM |
|------------------------------|------------|-----------|-----------|--------------------------|-----------|-----------|-----------|-----------|-----------------------|-----------|-----------|-----------|---------|
| | 6 MONTHS | 12 MONTHS | 12 MONTHS | 12 MONTHS | 12 MONTHS | 12 MONTHS | 24 MONTHS | 24 MONTHS | 24 MONTHS | 36 MONTHS | 48 MONTHS | | |
| 1 | \$41,942 | \$42,927 | \$43,936 | \$44,970 | \$46,031 | \$47,118 | \$48,232 | \$49,374 | \$50,544 | \$51,744 | \$52,973 | \$54,234 | |
| 2 | \$43,911 | \$44,945 | \$46,004 | \$47,091 | \$48,204 | \$49,345 | \$50,515 | \$51,714 | \$52,943 | \$54,202 | \$55,493 | \$56,817 | |
| 3 | \$45,979 | \$47,065 | \$48,178 | \$49,318 | \$50,487 | \$51,686 | \$52,914 | \$54,173 | \$55,463 | \$56,786 | \$58,142 | \$59,531 | |
| 4 | \$48,149 | \$49,289 | \$50,457 | \$51,655 | \$52,882 | \$54,140 | \$55,430 | \$56,752 | \$58,107 | \$59,495 | \$60,919 | \$62,378 | |
| 5 | \$50,430 | \$51,627 | \$52,854 | \$54,111 | \$55,400 | \$56,721 | \$58,075 | \$59,463 | \$60,886 | \$62,344 | \$63,839 | \$65,371 | |
| 6 | \$52,824 | \$54,081 | \$55,369 | \$56,689 | \$58,043 | \$59,430 | \$60,852 | \$62,309 | \$63,803 | \$65,334 | \$66,904 | \$68,512 | |
| 7 | \$55,337 | \$56,657 | \$58,009 | \$59,395 | \$60,816 | \$62,273 | \$63,766 | \$65,296 | \$66,864 | \$68,472 | \$70,120 | \$71,809 | |
| 8 | \$57,976 | \$59,362 | \$60,782 | \$62,238 | \$63,730 | \$65,259 | \$66,827 | \$68,433 | \$70,080 | \$71,768 | \$73,499 | \$75,272 | |
| 9 | \$60,747 | \$62,201 | \$63,693 | \$65,221 | \$66,788 | \$68,393 | \$70,039 | \$71,726 | \$73,456 | \$75,228 | \$77,045 | \$78,907 | |
| 10 | \$63,657 | \$65,185 | \$66,750 | \$68,355 | \$70,000 | \$71,686 | \$73,414 | \$75,186 | \$77,002 | \$78,863 | \$80,770 | \$82,726 | |
| 11 | \$66,711 | \$68,315 | \$69,959 | \$71,644 | \$73,371 | \$75,141 | \$76,956 | \$78,816 | \$80,722 | \$82,676 | \$84,679 | \$86,732 | |
| 12 | \$69,920 | \$71,604 | \$73,330 | \$75,099 | \$76,913 | \$78,772 | \$80,677 | \$82,630 | \$84,632 | \$86,684 | \$88,787 | \$90,943 | |
| 13 | \$73,289 | \$75,057 | \$76,870 | \$78,727 | \$80,632 | \$82,583 | \$84,584 | \$86,635 | \$88,737 | \$90,891 | \$93,100 | \$95,363 | |
| 14 | \$76,824 | \$78,681 | \$80,584 | \$82,535 | \$84,534 | \$86,584 | \$88,685 | \$90,838 | \$93,045 | \$95,307 | \$97,626 | \$100,002 | |
| 15 | \$80,536 | \$82,486 | \$84,484 | \$86,532 | \$88,632 | \$90,784 | \$92,989 | \$95,250 | \$97,567 | \$99,943 | \$102,377 | \$104,873 | |
| 16 | \$84,437 | \$86,484 | \$88,582 | \$90,733 | \$92,937 | \$95,196 | \$97,512 | \$99,886 | \$102,320 | \$104,814 | \$107,370 | \$109,990 | |
| 17 | \$88,530 | \$90,679 | \$92,882 | \$95,140 | \$97,455 | \$99,827 | \$102,259 | \$104,752 | \$107,307 | \$109,925 | \$112,610 | \$115,361 | |
| 18 | \$92,829 | \$95,086 | \$97,399 | \$99,770 | \$102,200 | \$104,692 | \$107,245 | \$109,862 | \$112,545 | \$115,294 | \$118,113 | \$121,002 | |
| Years of Serv. | 0-0.5 | 0.5-1.5 | 1.5-2.5 | 2.5-3.5 | 3.5-4.5 | 4.5-5.5 | 5.5-7.5 | 7.5-9.5 | 9.5-11.5 | 11.5-14.5 | 14.5-18.5 | Over 18.5 | |

Annual Evaluation Process

Once a year, between the months of December and February, every manager will complete the annual evaluation form, found in Appendix H of this manual, in consultation with their immediate supervisor. This process will include a self evaluation of progress on goals set for the previous year, and a statement of goals set for the upcoming year. The supervisor will use these narratives as a basis for their annual evaluation of managers' performance.

603 Deferred Compensation Plan

Summary – The City of Plattsburgh has adopted the New York State Deferred Compensation Plan. The purpose of this plan is to help employees achieve their retirement savings goals by providing high-quality, cost-effective investment products, investment education programs and related services. The plan is overseen by the New York State Deferred Compensation Board and managed by professional staff.

Choice of Tax Treatment – Eligible employees may elect to have contributions to their account in the following manner:

- Traditional – Made with pre-tax income: Earnings credited to an employee's account would not be subject to current federal or New York State income taxes. Contributions and earnings, if any, would be subject to these taxes when monies are received. The up-front tax benefit may make it easier to save more, and the account could potentially grow faster. Earnings, if any, would be reinvested into the employee's plan account.
- Roth – Made with after-tax income: If certain criteria are met, earnings credited to an employee's account will not be subject to current federal or New York State income taxes.
- Both – Made with both pre- and after-tax income: Employee's contributions are split between pre- and after-tax. Choosing this method could reduce the impact of income taxation now and in retirement.

The plan's website, www.nysdcp.com, offers a variety of educational materials, interactive calculators and eWorkshops to help you get the most out of participation in this plan. Additionally, employees are encouraged to call the plan's helpline at 1-800-422-8463 with questions.

700 COMPLIANCE POLICIES

701 *Equal Employment Opportunity*

Policy Statement – The City of Plattsburgh is an Equal Opportunity Employer. The City does not unlawfully discriminate on the basis of race, religion, color, sex, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, genetic predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected class or status. Likewise, the City prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, interns, volunteers, committee members, board members and any other non-employee from discriminating against City employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

Notification of Policy Violations – An employee should immediately report any perceived violation of this policy to the City Attorney or Human Resources Administrator. All complaints of discrimination will be investigated discreetly and promptly. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Prohibition Against Retaliation – Retaliation against any employee who brings a written or verbal complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The City will not tolerate or permit adverse treatment of employees because they report discrimination or provide information related to such complaints, or who otherwise oppose an unlawful employment practice. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

702 *The Americans with Disabilities Act*

Policy Statement – It is the policy of the City of Plattsburgh 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 City and/or operations of a program. The City 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 City will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the City might make to help overcome those limitations.

The City 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 City 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. Preemployment physical exams will only be requested when in compliance with the law. The City of Plattsburgh 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 City Attorney. 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.

703 *Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace*

Policy Statement – It is the policy of the City of Plattsburgh to promote a productive work environment and to prohibit conduct by any Elected Official, employee, intern, volunteer, committee member or board member that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the City of Plattsburgh is committed to educating everyone in its workplace in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic information or predisposing characteristics, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. In short, the City will not tolerate any form of discrimination or harassment,

including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the City. This policy also applies to all interns, volunteers, committee members and board members. Depending on the extent of the City’s exercise of control, this policy may be applied to the conduct of non-City employees with respect to harassment of City employees in the workplace.

Supervisory Responsibility – Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

Prohibited Activity – No Department Head, supervisor, employee, intern, volunteer, committee member, or board member shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. No City personnel or representatives shall make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. No City personnel or representatives shall produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the City; it is not intended to be a comprehensive list and does not limit the City’s ability to take disciplinary action in other appropriate instances.

Definition of Sexual Harassment –

Introduction

The City of Plattsburgh is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the City of Plattsburgh’s commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the City of Plattsburgh. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The City of Plattsburgh’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the City of Plattsburgh. In the remainder of this document, the term “employees” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The City of Plattsburgh will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the City of Plattsburgh who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or designated Human Resource Officer. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the City of Plattsburgh to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The City of Plattsburgh will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The City of Plattsburgh will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The City of Plattsburgh will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to designated Human Resource Officer.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under 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 includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such 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;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such 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 which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

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

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - 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;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping 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, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker 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).

Such retaliation is unlawful under 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:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under 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 harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The City of Plattsburgh cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or designated Human Resource Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or designated Human Resource Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to designated Human Resource Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

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. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The City of Plattsburgh will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, designated Human Resource Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the City of Plattsburgh but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the City of Plattsburgh, employees may also choose to pursue legal remedies with the following 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.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or 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 DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the City of Plattsburgh does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

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, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact 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 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. There is no cost to file a complaint with the EEOC. 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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work 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 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, 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 to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Reporting of Discrimination and Harassment (including Sexual Harassment) – Employees are encouraged to report incidents of harassment (including sexual harassment) to the Human Resources

Administrator as soon as possible after their occurrence. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, may contact their immediate supervisor or Department Head. Employees who work during off-hours are encouraged to contact the Human Resources Administrator.

Discrimination and Harassment (including Sexual Harassment) Complaint Form – To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the City's policy, discrimination and harassment complaints, including sexual harassment complaints, will be recorded in writing by using the City sanctioned Complaint Form. These forms can be obtained online or from the Human Resources office.

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

Investigation of Complaint – The City Attorney is responsible for ensuring an effective investigation is conducted. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

Employee or Elected Official Defense – Any employee or Elected Official charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

Employee Rights – Nothing in this policy should be construed as in any way limiting employees' rights to use the grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

Corrective Action – Any employee or official, who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by City operating procedures, including Civil Service Law Section 75, or the disciplinary procedures contained in a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the City is empowered to take such action.

Prohibition Against Retaliation – Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The City will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

False Accusations – An employee who knowingly makes a false accusation against another individual as to allegations of harassment or discrimination as set forth in this policy will be subject to disciplinary

action up to and including termination of employment in accordance with the provisions of this handbook and applicable legal guidelines.

Sexual Harassment Complaint Form is found in Appendix G

704 *Workplace Violence Prevention*

Policy – The City of Plattsburgh is dedicated to the security, safety and overall well being for all of our employees. The City’s goal is to invest, as best we can, in the safety and security of our workplace so we can provide our employees with the environment they need to be productive for our constituents.

All incidents pertaining to “employee to employee” issues regarding perceived or alleged workplace harassment shall be reported to the Human Resources Administrator or Department Head. Referrals to the Mayor’s Office and Corporate Counsel shall be made as pertinent.

Conduct that constitutes violence will not be tolerated from any City employee. Instances involving assault, criminal conduct or any other tortuous conduct by a City employee will be dealt with in accordance with the law and previously established City policies. For a copy of the Workplace Violence Prevention Policy and Incident Reporting in its entirety, is annexed to the handbook under Appendix D.

Reporting Incidents of Workplace Violence:

1. All incidents of workplace violence within any City department shall be reported to the Human Resources Administrator. A Workplace Incident Report form may be used for this purpose.
2. The Human Resources Administrator shall work together with the City Attorney to investigate each alleged incident of workplace violence.
3. The City of Plattsburgh Police Department shall be immediately contacted if any such incident involves an immediate threat to the safety and welfare of the general employee population. The Police Department will then assume control of the incident and any ensuing investigation.
4. Opportunities for workplace site health and safety improvements identified by the Police Department shall be immediately provided to the Corporate Counsel for further action in accordance with this program.
5. The Human Resources Administrator shall work with the Department Head on any employee disciplinary issues resulting from the workplace violence investigation.

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

Policy Statement – It is the policy of the City of Plattsburgh 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 City of Plattsburgh’s Drug-Free Workplace Policy pertains to all individuals who are employed by the City of Plattsburgh. A copy of the City’s Alcohol and Drug Policy is annexed to this handbook under Appendix F.

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 City must certify to the granting Federal agency that it will provide a drugfree workplace in accordance with the legislation. As a recipient of Federal grants, the City 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 City vehicle, a vehicle leased for City business, or a privately owned vehicle being used for City 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 City 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 City of Plattsburgh 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 City 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 their Department Head to discuss the situation immediately. 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 City 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.

City Responsibilities – The City 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 City 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 City of Plattsburgh to maintain a drug-free workplace. In accordance with that policy, the City 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.

706 *Controlled Substance and Alcohol Testing (Regulatory)*

Statement of Compliance – The Common Council has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA) and is described in the City's Drug and Alcohol Policy. 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 City'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.

707 Smoking

Policy Statement – In accordance with the NYS Clean Indoor Air Act, it is the policy of the City to prohibit smoking in the workplace, which includes all City buildings, City property and all City vehicles. Employees who choose to smoke must ensure that they remain fifty feet away from any City owned building throughout the time that they are smoking.

800 COMMUNICATION PROCEDURES

801 Organizational Communications

Summary – The Mayor’s Office is committed to assuring effective communications between administration 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.

802 Adverse Communications

Policy Statement – An employee who receives any communication of a negative nature directed to the City, 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.

803 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 City’s productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

804 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 City in a polite and professional manner.

805 *Press Policy*

Policy Statement – All requests for information directed to a City employee from the media (e.g. television, radio, newspaper) regarding any aspect of City affairs must be referred to the employee's Department Head. The Department Head should use cautionary judgment in responding and shall notify the Mayor's Office or City Attorney of the request.

All press releases, publications, articles and any other documents for release to the media or the public must be approved by the Mayor's Office or Communications Coordinator.

806 *Reporting of Improper Activities*

Policy Statement – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of City funds or property, safety issue, or other matter that appears to be improper, should immediately make his or her Department Head or supervisor, or the Mayor 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 City 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.

900 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

CITY OF PLATTSBURGH EMPLOYEE MANUAL ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***City of Plattsburgh Personnel Policy and Procedure Manual*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the City of Plattsburgh. I further acknowledge that I have read, or will read the contents of the Employee Manual and will contact my Department Head or the Human Resources Administrator if I have any questions.

I understand that the Employee Manual is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Common Council of the City of Plattsburgh reserves the right to interpret, change or modify any section of the Employee Manual at any time. Except as otherwise provided by law, I understand that I am an employee at will. I also understand that, if I am covered by a collective bargaining agreement between the City of Plattsburgh 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 Manual, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, the Employee Manual is applicable to all employees.

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Manual. I understand that the Employee Manual and the changes contained herein supersede all prior manuals and guidelines issued by the City of Plattsburgh, and may be changed on occasion by the City of Plattsburgh. In addition, I have read and received a copy of this New York State Sexual Harassment Policy for all Employers in New York State

Employee name (please print)

Employee Signature

Date

Appendix A - City of Plattsburgh COMPUTER USE POLICY

SECTION ONE - PURPOSE

A. To remain competitive, better serve our customers and provide our employees with the best tools to do their jobs, the City of Plattsburgh makes available to our workforce access to one or more forms of electronic media and services, including computers, e-mail, telephones, voicemail, fax machines, external electronic bulletin boards, wire services, online services, intranet, Internet and the World Wide Web.

B. The City of Plattsburgh encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information about vendors, customers, technology, and new products and services. However, all employees and everyone connected with the organization should remember that electronic media and services provided by the City are City property and their purpose is to facilitate and support City business. All computer users have the responsibility to use these resources in a professional, ethical, and lawful manner.

C. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the Internet. No policy can lay down rules to cover every possible situation. Instead, it is designed to express the City of Plattsburgh philosophy and set forth general principles when using electronic media and services. This policy applies to City Employees whenever they are utilizing City-owned technology resources, including use during breaks, lunch time and outside of normal business hours.

SECTION TWO. PROHIBITED COMMUNICATIONS

Electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:

1. Discriminatory or harassing;
2. Derogatory to any individual or group;
3. Obscene, sexually explicit or pornographic;
4. Defamatory or threatening;
5. In violation of any license governing the use of software; or
6. Engaged in for any purpose that is illegal or contrary to City of Plattsburgh policy or business interests.

SECTION THREE. PERSONAL USE

The computers, electronic media and services provided by the City of Plattsburgh are primarily for business use to assist employees in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes (such as family care, transportation or changes in the work schedule) is understandable and acceptable, and all such use should be done in a manner that does not negatively affect the systems' use for their business purposes. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

Special situations may arise where non-incidental personal use of computer resources by an employee is consistent with the City's purposes or employee development goals, such as using City computers for an outside course during non-work hours. For this type of non-incidental use, employees must obtain prior supervisory approval.

This policy does not seek to limit the use of City equipment in the pursuit of criminal cases as directed by the Chief of Police or the Corporation Counsel.

SECTION FOUR. ACCESS TO EMPLOYEE COMMUNICATIONS

Employees should have no expectation of privacy, the City retains ownership of all documents, communications and files on all City-owned resources.

Generally, electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet and bulletin board system access, and similar electronic media is not routinely, but may nonetheless, be reviewed by the City. However, the following conditions should be noted:

City of Plattsburgh does routinely gather logs for most electronic activities or monitor employee communications directly, e.g., telephone numbers dialed, call length, time at which calls are made, and internet sites accessed for the following purposes:

1. Cost analysis;
2. Resource allocation;
3. Optimum technical management of information resources; and
4. Detecting patterns of use that indicate employees are violating City policies or engaging in illegal activity.

B. The City of Plattsburgh reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other City policies.

C. Employees should not assume electronic communications are completely private. Accordingly, if they have sensitive information to transmit, they should use other means.

SECTION FIVE.
SOFTWARE

To prevent computer viruses from being transmitted through the City's computer system, unauthorized downloading or installation of any unauthorized software is strictly prohibited. Only software registered through City of Plattsburgh may be downloaded or installed. This includes the various downloadable wallpapers and screen savers. Employees should contact the system administrator if they have any questions.

SECTION SIX.
SECURITY/APPROPRIATE USE

A. Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by City management, employees are prohibited from engaging in, or attempting to engage in:

1. Monitoring or intercepting the files or electronic communications of other employees or third parties;
2. Hacking or obtaining access to systems or accounts they are not authorized to use;
3. Using other people's log-ins or passwords;
4. Sharing your log-in and password(s) with other people and;
4. Breaching, testing, or monitoring computer or network security measures.

B. No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

C. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

D. Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

SECTION SEVEN.
ENCRYPTION

Employees can use encryption software supplied to them by the systems administrator for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

SECTION EIGHT.
PARTICIPATION IN ONLINE FORUMS

A. Employees should remember that any messages or information sent on City-provided facilities to one or more individuals via an electronic network—for example, Internet mailing lists, bulletin boards, and online services—are statements identifiable and attributable to City of Plattsburgh.

B. City of Plattsburgh recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a news group devoted to the technical area.

SECTION NINE.
COMMERCIAL SEARCH SERVICES

The Plattsburgh Police Department subscribes to a commercially available internet search service known as Seisint. Seisint provides nationwide public record information, document retrieval and related services (the "Accurint Services") using Seisint's proprietary and licensed databases and information. Seisint grants to the Plattsburgh Police Department a license to use the Accurint Services solely for law enforcement uses.

Use Limitations: Officers of the Plattsburgh Police department agrees that it will use the Accurint Services only in the performance of, or in the furtherance of, law enforcement activities, including without limitation, criminal investigations, witness location, and other purposes reasonably related to provision of law enforcement by the Agency. A Plattsburgh Police Department Blotter Number must be recorded in the "Reference Code" field of the Accurint search page.

SECTION TEN.
FREEDOM OF INFORMATION LEGISLATION

The Freedom of Information legislation defines:

"Record" means any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

Records must be maintained or archived to allow for FOIL purposes and may not be deleted to avoid potential disclosure.

SECTION ELEVEN
VIOLATIONS

Any employee who abuses the privilege of their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including possible termination of employment, legal action, and criminal liability.

SECTION TWELVE.
EMPLOYEE AGREEMENT ON USE OF E-MAIL AND THE INTERNET

I have read, understand, and agree to comply with the foregoing policies, rules, and conditions governing the use of the City's computer and telecommunications equipment and services. I understand that I have no expectation of privacy when I use any of the telecommunication equipment or services. I am aware that violations of this guideline on appropriate use of the e-mail and Internet systems may subject me to disciplinary action, including termination from employment, legal action and criminal liability. I further understand that my use of the e-mail and Internet may reflect on the image of the City of Plattsburgh to our customers, competitors and suppliers and that I have responsibility to maintain a positive representation of the organization. Furthermore, I understand that this policy can be amended at any time.

Appendix B Acceptable Use of Information Technology Resources

PURPOSE OF THE POLICY

Appropriate organizational use of Information Technology resources and effective security require the participation and support of the City workforce (“users”). Inappropriate use exposes the City to potential risks including virus attacks, compromise of network systems and services, and legal issues.

SCOPE OF THE POLICY

This policy applies to all City Departments and entities, and to users of any systems, information, or physical infrastructure, regardless of its form or format, created or used to support City entities. This policy supersedes any conflict that exists with department-level policies.

This policy covers the use of City information technology resources on any City or non-City network.

It is the user’s responsibility to read and understand this policy and to conduct their activities in accordance with its terms.

POLICY STATEMENT

Except for any privilege or confidentiality recognized by law, individuals have no legitimate expectation of privacy during any use of the City’s IT resources or in any data on those resources. Any use may be monitored, intercepted, recorded, read, copied, accessed or captured in any manner including in real time, and used or disclosed in any manner, by authorized personnel, without additional prior notice to individuals. Periodic monitoring will be conducted of systems used, including but not limited to all computer files and all forms of electronic communication, including emails, text messages, instant messages, telephones, computer systems and other electronic records. In addition to the notice provided in this policy, users may also be notified about this monitoring and reminded that unauthorized use of the City’s IT resources is not permissible through the use of warning banner text at system entry points where users initially sign on.

The City may impose restrictions, at the discretion of management, on the use of a particular information technology resource. For example, the City may block access to certain websites or services not serving legitimate business purposes or may restrict users’ ability to attach devices to the City’s information technology resources (e.g., personal USB drives, media devices, laptops, or tablets, etc.).

Users accessing City information technology resources through the use of personal devices must only do so with prior approval or authorization from the City’s Information Technology Staff.

ACCEPTABLE USE

All uses of information technology resources must comply with City policies, standards, procedures, and guidelines, as well as any applicable Federal, State and local laws, including copyright laws and licensing agreements.

Consistent with the foregoing, acceptable use of information technology resources encompasses the following duties:

- Protection of confidential information from unauthorized use or disclosure;
- Observing authorized levels of access and utilizing only approved information technology devices or services; and
- Immediately reporting suspected computer security incidents to the appropriate department manager and the Director of Information Technology.

UNACCEPTABLE USE

The following list is not intended to be exhaustive, but is an attempt to provide a framework for activities that constitute unacceptable use. Users, however, may be exempted from one or more of these restrictions during the

course of their authorized job responsibilities, after approval from City management, in consultation with the City IT staff (e.g., storage of objectionable material in the context of a disciplinary matter or legal investigation).

Unacceptable use includes the following:

- Distributing, transmitting, posting, or storing any electronic communications, material or correspondence that is threatening, obscene, harassing, pornographic, offensive, defamatory, discriminatory, inflammatory, illegal, or intentionally false or inaccurate;
- Purporting to represent the City in matters unrelated to official authorized job duties or responsibilities;
- Connecting unapproved devices to the City network or any City information technology resource;
- Connecting City information technology resources to unauthorized networks;
- Connecting to any wireless network while physically connected to a City wired network;
- Installing, downloading, or running software that has not been approved following appropriate security, legal, and/or IT review in accordance with City policies;
- Connecting to commercial email systems (e.g., Gmail, Hotmail, Yahoo) without prior management or City Information Technology Staff approval, as the City recognizes the inherent risk in using commercial email services, as email is often used to distribute malware;
- Using City information technology resources to circulate unauthorized solicitations or advertisements for non-City purposes including religious, political, or not-for-profit entities;
- Providing unauthorized third parties, including family and friends, access to the City IT resources or facilities;
- Using City information technology resources for commercial or personal purposes, in support of "for-profit" activities or in support of other outside employment or business activity (e.g., consulting for pay, business transactions);
- Propagating chain letters, fraudulent mass mailings, spam, or other types of undesirable and unwanted email content using City information technology resources; and
- Tampering, disengaging or otherwise circumventing City or third-party IT security controls.

OCCASIONAL AND INCIDENTAL PERSONAL USE

Policy Statement – The City of Plattsburgh's IT Network and Computer Systems are City property that are provided for general business purposes to increase productivity and effectiveness. These policy guidelines have been established to ensure that the City's network and computer systems are used in a productive manner. All use of city equipment or during employment hours shall be confined to interactions and communications of a type approved by the appropriate Department Head or Mayor and primarily for the purpose of performing the duties of one's job. There is no expectation of privacy when using City equipment or communicating during hours of employment.

Occasional and incidental personal use of information technology resources is permitted, provided such use is otherwise consistent with this and other City policies, is limited in amount and duration, and does not impede the ability of the individual or other users to fulfill the City's responsibilities and duties, including but not limited to, extensive bandwidth, resource, or storage utilization. The City may revoke or limit this privilege at any time.

Your judgment regarding incidental and occasional personal use is important. While this policy does not attempt to articulate all required or proscribed behavior, it does seek to assist in the exercise of good judgment by providing the above guidelines. If you are unclear about the acceptable "personal" use of a City-provided resource, seek authorization from your immediate supervisor.

INDIVIDUAL ACCOUNTABILITY

Individual accountability is required when accessing all IT resources. Each individual is responsible for protecting against unauthorized activities performed under their user ID. This includes locking your computer screen when you walk away from your system and protecting your credentials (e.g., passwords, tokens or similar technology) from unauthorized disclosure, including sharing. Credentials must be treated as confidential information, and must not be disclosed or shared, or otherwise stored in a manner that is easily accessible to others.

RESTRICTIONS ON OFF-SITE TRANSMISSION AND STORAGE OF INFORMATION

Users must not transmit non-public, confidential, sensitive, or restricted City information to or from personal email accounts (e.g., Gmail, Hotmail, Yahoo) or use a personal email account to conduct City business. Any non-public, confidential, or sensitive material transmitted via City e-mail accounts must be properly secured or encrypted as necessary. Refer to the City of Plattsburgh Email Policy for further detail.

Users must not store non-public, confidential, sensitive or restricted City information on a non-City issued device, or with a third party file storage service that has not been approved for such storage by the City.

Devices that contain City information must be attended at all times or physically secured and must not be checked in transportation carrier luggage systems.

USER RESPONSIBILITY FOR INFORMATION TECHNOLOGY EQUIPMENT

Users are routinely assigned or given access to information technology equipment in connection with their official duties. This equipment belongs to the City and must be immediately returned upon request or at the time an employee is separated from City service. Users may be financially responsible for the value of equipment assigned to their care if it is not returned to the City. Should City IT equipment be lost, stolen or destroyed, users are required to provide a written report of the circumstances surrounding the incident. Users may be subject to disciplinary action which may include repayment of the replacement value of the equipment. The City has the discretion to not issue or re-issue information technology devices and equipment to users who repeatedly lose or damage City IT equipment.

POLICY REVIEW

This policy will be reviewed periodically by the Mayor, City Council, and the Director of Information Technology and modified as needed to ensure relevancy.

POLICY COMPLIANCE

This policy shall take effect upon publication. Any violation of this policy may subject the user to disciplinary action, civil penalties, and/or criminal prosecution. The City will review alleged violations of this policy on a case-by-case basis and pursue recourse as appropriate.

DEFINITIONS

For purposes of this policy, the following definitions apply:

Information Technology Resources:

Equipment, services, or software used to input, store, process, transmit, and output information, including, but not limited to, desktops, laptops, mobile devices, servers, telephones, fax machines, copiers, printers, Internet, email, and social media sites.

City Information Technology Staff:

- Any City Employee with the title of Director of Information Technology or Systems Administrator.
- User:
- Any City employee who operates or interacts with any City Information Technology Resource.
- Network:
- Any wired or wireless interconnection of information technology resources in which data is transmitted or received.

RELATED DOCUMENTS

City of Plattsburgh Email Policy

Appendix C - Email Policies and Procedures

1. General Policy

Email is an information asset that is owned by the City of Plattsburgh, hereinafter referred to as the City. The City is required to manage the email system appropriately, and in a manner that is compliant with current laws and regulations. The management of email records is the responsibility of each City employee.

Purpose of This Email Policy

- Ensure the City manages email efficiently
- Provide a clear legal basis for actions pertaining to email and a clear definition of who is responsible for each aspect of managing email
- Protect the rights and assets of the public and taxpayers by maintaining accessible, secure email records
- Automate preservation of emails
- Ensure systematic legal destruction of email records in accordance with applicable law

Ownership of Emails

All City employees are advised that the emails they use in their daily work are not their personal property. Employees should have no expectation of personal privacy for any email messages they create, receive, and/or maintain on their City email accounts. By using the City email system, City employees acknowledge they understand this concept of ownership.

Use of Personal Email Accounts

All users must be aware that any business related emails they create on personal email accounts are subject to disclosure, including but not limited to New York State Freedom of Information Law ("FOIL"), a court action, and/or an audit. For this reason, City employees should not use personal email accounts to conduct City business, and are provided methods to use City email services remotely.

Roles and Responsibilities

Listed below are the designated employees/departments who have specific responsibilities for managing email. These responsibilities are indicated throughout this policy under each subject area.

Records Access Officer (RAO): City Clerk working with the City Corporation Counsel designated pursuant to the Freedom of Information Law and the City's FOIL Policy and Procedures

Information Technology (IT) Employees:

- Maintain the technical capabilities of the Email Management System through scheduled upgrades and migration.
- Provide technical training on how to use the email system.
- Ensure that appropriate technical measures are in place to preserve emails, according to this Email Policy.
- Ensure system destruction of emails that have passed the seven (7) year retention period, and halt the destruction of email, when directed.

Email user: anyone assigned an account on the City's email system.

The City: at all times maintains legal and physical custody of all archival email records.

Department Heads:

- Support the work of the RAO
- Ensure policy enforcement within their department
- Report suspected email abuse to the IT director
- Ensure ongoing financial support for the technology, staffing, and employee training required to support a policy based email program

State Archives:

Provide technical advice on all aspects of managing email records, including retention and disposition.

Corporation Counsel: Responsible for oversight of Legal Holds, as described in Section 4.1 below.

Policy Review, Application and Updating

This policy will be reviewed periodically by the Mayor and modified as needed. This policy is intended to apply to email circulated after the enactment of this policy. For email circulated prior to the enactment of this policy, the City intends to use best efforts to store same for the necessary periods but cannot guarantee complete retention.

2. The Email Management System

The City of Plattsburgh has invested in an Email Management System. The email system is designed to handle most aspects of managing email automatically.

System Capabilities

- Filters spam messages, providing users with access to filtered email for their review.
- Filters for suspect content (explicit or harassing language) according to a predefined list of terms or combinations of terms.
- Captures the text of the email message, attachments, and transmission data that identify the sender and recipients and the date and time the message was sent or received.

- Stores all emails and their attachments immediately upon receipt, saving only one instance of emails in a repository and destroying the copies.
- Associates an email and its respective attachment.
- Provides appropriate, secure levels of access.
- Provides a directory structure and search engine for all emails to which a user is allowed access.
- Prevents modification or deletion of emails once they are in the repository, to ensure their legal admissibility or production. If a user forwards or replies to an archived email, the user creates a new email record.
- Deletes email records after 7 (seven) years, unless subject to litigation or personnel hold.
- Includes a scrubbing application (permanent deletion) that is compliant with standards for secure data destruction established by the U.S. Department of Defense.
- Permits holds that suspend destruction of records that may be relevant to the following: including, but not limited to, an impending lawsuit, personnel action, investigation, or audit.

3. Access to Email

Access to City email and/or other systems will only be activated by IT staff after a request has been made by the appropriate Department Head. Department Heads are responsible for informing the IT Department of the completion of contractor/non-employee work or the departure/leave of a City employee.

City User Access

Users generally have access to their own emails and, by proxy, to accounts to which they have been granted access. Access to emails in the archive repository is read-only and restricted to authorized individuals.

Authorized users can search through files of repository emails based on records function via the repository's search engine. To enhance searching, email users must assign intelligible subject lines to all outgoing emails. Users are encouraged to use consistent, meaningful terminology that mirrors file titles in the City's other filing systems.

The IT Director and RAO have access to all City archive repository email records and can allow access to designees on an as needed basis. Access to certain emails relating to legal investigations, court actions, and personnel matters may be restricted by law to specific individuals in the City.

Sending and receiving email may be restricted, including but not limited to, allowing access to internal email addresses only.

Any "Everybody" emails, "Reply to All" emails beyond those with whom an employee conducts regular business, or mass mailing (department-wide, City-wide, etc.) must be preapproved by the respective Department Head in consultation with the Mayor.

Webmail: Users generally have access to their own emails via a webmail interface, and by proxy, to accounts to which they have been granted access. Webmail access will be suspended for employees on leave, unless Department Head approval is granted.

AutoForwarding City email account to an external email account: The City prohibits setting rules that allow automatic forwarding of City email to home or other external email accounts, unless permission is obtained from the IT Director in consultation with the Mayor. Violation of this policy may result in disciplinary action, up to and including termination. This policy does not prohibit the necessary ad hoc forwarding of email.

Mobile Email: City email access on a personally owned mobile device will only be granted with the written permission of the Department Head, in consultation with the IT Director.

The IT department is responsible for ensuring access to email records for 7 (seven) years, unless specified otherwise herein.

Public Access to Emails

The City provides public access to records in accordance with the New York State Freedom of Information Law (FOIL). Refer to the City of Plattsburgh's FOIL Policy and Procedures for further information.

4. Retention and Disposition

The Email Management System will manage retention and disposition on a regular basis, according to systems settings. Certain circumstances (legal proceedings, FOIL requests, audits, employee departures) may require the City to suspend or supersede standard retention and disposition practices.

Managing Retention and Disposition

The RAO is responsible for advising on all retention and disposition issues associated with email, including the retention and destruction of backups.

Working with the RAO, IT employees will ensure that appropriate technical measures are in place to preserve emails (*See Section 9, "Preservation"*), destroy emails that have passed their retention periods, and halt the destruction of email, if needed.

The City Corporation Counsel is the primary entity responsible for oversight of the policy and procedure regarding prohibition of destruction of email records that may be involved in actual or potential litigation ("Legal Hold").

The City Corporation Counsel is the sole entity responsible for releasing a Legal Hold. A review of all Legal Holds will be conducted no later than annually.

The improper or illegal destruction of records, or tampering with same, in violation of this policy, the City Record Retention Policy and/or applicable law, may result in discipline up to and including termination of employment.

Destruction

The email system will automatically destroy any records that have passed their official retention period, except for those that are marked as on Legal Hold. When the email system itself is decommissioned or replaced, all data on it will be securely erased before disposition.

Staff Departures

When an employee will be separating from employment, Human Resources will notify IT to disable the employee's accounts. These accounts are subject to the Legal Hold process as stated above.

Leaves of Absence or Suspensions

Employee leaves or suspensions may also be subject to this procedure as outlined above in consultation between and among the Department Head, IT, HR, and the Mayor.

5. E-discovery

All email messages, including personal communications, may be subject to disclosure in all pending or actual legal actions potentially involving the City of Plattsburgh.

For this reason, all City emails must contain a subject line which clearly states the content of the email.

If a City employee becomes aware of potential litigation, it is his or her responsibility to notify their Department Head who shall contact Corporation Counsel immediately. Corporation Counsel will initiate a Legal Hold, if necessary, and notify the Mayor and RAO of the hold and any other action, if any, needs to be taken.

Legal counsel will work to ensure that the parameters of a records search involving email is as narrow as possible to speed retrieval and limit the collateral exposure of email that is not actually subject to the specific discovery request.

6. Appropriate Use of Email

All users of City email are expected to know the difference between appropriate use and inappropriate use of email.

All users must acknowledge their personal responsibility for using email appropriately as a part of their orientation into the City and thereafter each time they log into the system.

7. Inappropriate Uses of Email

City email is provided as a tool to assist City employees in their daily work directly related to their professional capacity and responsibility. Email is intended for official communications only. Every City employee has the responsibility to limit use of the system to City business only.

Conversely, the use of personal email accounts and technology to conduct City business is strongly discouraged. Personal email accounts and equipment suspected of being utilized to conduct City business may be subject to disclosure in the event of legal action that involves City records.

The following list provides examples of unacceptable uses of City email services. This list is illustrative, and not comprehensive.

- Inappropriate email uses include, but are not limited to:
- Activities unrelated to official assignments or job responsibilities.
- Any illegal purpose.
- Transmitting inappropriate, threatening, obscene, pornographic, indecent, or harassing materials or messages, including cartoons, jokes, chain letters or illegal schemes.
- Unauthorized distribution of City data and information, including, but not limited to IDs and passwords.

- Interfering with or disrupting network users, services, or equipment.
- Private purposes, such as marketing or business transactions.
- Installing copyrighted software or computer files illegally.
- Promoting religious and political causes.
- Unauthorized not-for-profit business activities.
- Private advertising of products or services.
- Modifying, copying, or seeking information about files or data belonging to other users, without explicit permission to do so.

Email signatures/closings should not include extraneous messages, personal slogans, or beliefs, other than business specific, mission statement material approved by the Department Head.

Enforcing Appropriate Use

The City has the right and responsibility to:

- Log network use and monitor server space utilization by users.
- Limit the personal use of email and emphasize to users that they should have no expectation of personal privacy.
- Restrict listserv membership to those listservs that are directly related to the job and the work of the City.
- Add an automatic disclaimer at the end of all outgoing messages regarding intended recipients and confidentiality/privacy of email messages.
- Require acceptance of a log-in banner acknowledging the City of Plattsburgh statement of appropriate email use.
- Inform users that inappropriate use will be addressed through disciplinary action or termination, if necessary, and that messages relating to or in support of illegal activities must be reported to the appropriate authorities.

The RAO and IT Director have universal access rights to all email so they can monitor and ensure system security. The City's IT Director and Human Resource Director or appropriate government official will review alleged violations of the email appropriate use policy on a case by case basis. Violations of the policy that are not promptly remedied will result in termination of internet and email services for the person at fault, and referral for disciplinary actions as appropriate.

Alternatives to Email for Work-related Activities

Email transmittal of confidential information, including but not limited to the examples below, is strongly discouraged. When necessary, employees involved in cooperative projects may decide to use collaboration

software or a shared directory rather than email to document and share information about that project. Encrypted email is also an available option to secure communication of confidential information.

Email is strongly discouraged for transmitting and documenting the following communications listed below. This list is illustrative and not comprehensive.

Information on impending personnel actions, such as employee disciplinary matters and performance evaluations.

Confidential City information and information that is protected by personal privacy laws, including, but not limited to, Social Security numbers, medical information, and credit information.

Information that may jeopardize facility security.

Formal or official communications that merit a printed or electronic document because of their importance.

8. Technical Security

The IT Department will work to ensure the technical operability of the Email Management System, including providing training for and monitoring the use of all email users.

Employee Training

The IT Department has the primary responsibility for training employees on the City email system.

System Security Controls

The IT Department works to implement technical security measures for the City's Email Management System. IT personnel are responsible for providing and maintaining up-to-date antivirus software, firewalls, spam filters, and intrusion detection logs to protect the overall system from malicious email messages and other forms of sabotage. See also Passwords below.

Handling Suspect Content

In the event that email users receive unsolicited email (spam) or email with unexpected and suspect attachments, they must delete the emails and report them to the IT Department who will assess the security risk. Under no circumstances should users open suspect email attachments. Unless asked by IT, users should not forward the suspect email.

Users should not follow links to external websites from unsolicited messages.

Handling Filtered Email

If a City user believes that legitimate email is being filtered before it reaches their mailbox, the employee should contact the IT Department for consultation. If work related emails from the same source are consistently blocked, the user should contact the IT department to determine whether emails from that source may be whitelisted to the user's mailbox. Users should not release or open email they were not expecting or do not recognize.

Passwords

All users must use passwords to access their email. Users are encouraged to use strong passwords (containing a combination of numbers, letters and symbols). All passwords must be a minimum 8 characters and, optimally,

should be 15 characters. Users should change their passwords if they suspect they have been compromised. The system will force a password change every six months. Users must not share their passwords with anyone.

9. Preservation

The RAO will apply all preservation standards to any records submitted to them with a retention period of longer than seven (7) years to ensure that even the nonpermanent records are accessible for their full retention period in spite of rapidly changing technology.

Software Upgrades

IT employees will monitor new versions of Email Management System software to determine whether an upgrade is necessary, balancing the need to ensure accessibility for the full retention period against data loss that may occur with each data migration.

Backups

Backups of the email system are to be used for disaster recovery purposes only, not for retention purposes. Data on backups are not indexed and are in a proprietary compression format, making it less likely that data will be accessible long term.

Media Integrity

The IT Director, with the aid of IT personnel, will institute maintenance procedures for electronic media that contain retained emails to ensure their integrity, free of defect or physical degradation. Such procedures may include, but will not be limited to, real time monitoring.

10. Training and Policy Awareness

All City employees shall be provided with this City of Plattsburgh Email Policy (the "Policy"). All employees shall read and become familiar with the Policy within the first ten days of employment and thereafter whenever the policy is revised.

Training on the technical aspects of the email system and City email management policies, security, and appropriate use may be part of a new employee orientation and will thereafter be upon request.

The RAO will provide the City of Plattsburgh Records Retention Schedule and is available to answer questions or provide training upon request that will cover the records management issues associated with email.

Training materials for both policies will be made available on the City's intranet site.

Appendix D - PROCUREMENT AND PURCHASING POLICIES AND PROCEDURES

PROCUREMENT POLICIES AND PROCEDURES FOR THE CITY OF PLATTSBURGH

IT IS HEREBY RESOLVED BY, the Common Council of the City of Plattsburgh , County of Clinton, State of New York that to conform with the requirements of General Municipal Law, Section 104-b, Procurement Policies and Procedures, and

IT IS FURTHER RESOLVED, that environmentally friendly purchasing is a key element of the Common Council's efforts to reduce waste, greenhouse gas emissions and combat climate change, both in its own operations and throughout the community. Buying environmentally-friendly products and services harnesses the purchasing power of the City to reduce waste and greenhouse gas emissions and encourages others to do likewise. Such purchasing practices include purchasing products that are durable, contain recycled content, are energy efficient, and promote waste reduction and reuse. It also can include doing business with service providers who engage in climate-friendly practices. Accordingly, the Common Council is committed to purchasing specific environmentally-friendly products to the extent practicable; and

IT IS FURTHER RESOLVED, that goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Common Council is adopting internal policies and procedures governing all procurement of goods and services which are not required to be procured pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law, as follows:

I. Procedures for determining whether procurement is subject to bidding.

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure: All procurement must be examined and categorized as follows:

1. GML Section 104-b Non-competitive Bidding:

- a). Purchase under \$20,000.00.
- b). Contract for public work below \$35,000.00.
- c). Articles manufactured in a New York State correctional facility (Corrections Law Section 184, 186).
- d). Purchases from agencies for the blind or severely handicapped (State Finance Law Section 175b).
- e). Purchases under a County contract (GML Section 103(3)).
- f). Purchases under a State contract (GML Section 104).
- g). Emergency purchases (GML Section 103(4)).
- h). Sole source purchases (GML Section 104-b).
- i). Professional Services (GML Section 104-b).
- j). True leases (GML Section 104-b).
- k). Insurance (GML Section 104-b).
- l). Second-hand equipment from another government (GML Section 103(6)).
- m) State or federal contract lists that comply with GML section 103.16.¹

2. GML Section 104-b - Competitive Bidding:

- a). Purchase contract of \$20,000.00 or more.

b). Contracts for public work of \$35,000.00 or more.

3. Other Analysis:

a). Purchases should be evaluated to determine whether, over the course of the fiscal year, the City of Plattsburgh will spend in excess of the competitive bidding thresholds for the same or similar items or services. Prior year's budgetary appropriations should be referred to for this information and compared with current projections.

4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.

5. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

C. Statutory Exceptions from These Policies and Procedures:

Except for procurement made pursuant to General Municipal Law, Section 103(3) (through county contracts), or GML section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method or procurement which furthers the purposes of General Municipal Law, Section 104-b.

1. City of Plattsburgh Purchases under County, State and Federal Contracts

A. When there is only one provider of an item of equipment, material, product or service competitive pricing is not required.

B. When there is more than one provider of the same (or functionally equivalent) item of equipment, material, product or service, the prices offered by all vendors shall be compared and the purchase made from the one offering the lowest price, taking transportation or shipping costs into consideration.

C. When an item is available for purchase on the GSA Schedule Contracts, also known as Federal Supply Schedules, and at a price that is lower than the state contract price, or if the item is not listed on the state contract and the price is less than \$20,000 dollars, the item may be purchased on the GSA Schedule Contracts.

D. CONSTRUCTION EQUIPMENT AND LABOR RENTAL. In 2018 Clinton County has contracts for the rental of construction equipment and labor which the City of Plattsburgh is permitted to piggyback on. The following guidelines apply to the use of such contracts:

a. All construction projects where the City Planner's, or other City Official or Independent Contractor designated by the Mayor, estimate of the total project cost is more than \$120,000 shall be competitively bid.

b. Where the estimated cost is less than \$120,000, equipment and labor may be rented under County Contract, provided:

i. The City Planner, or other City Official or Independent Contractor as designated by the Mayor, determines they have sufficient staff resources to monitor time and material expended on the job.

ii. The scope of work is specified in sufficient detail to permit a contractor to quote a lump sum price if requested to do so.

iii. All the labor and equipment used by the contractor performing the work is listed on the county contract.

- iv. Before letting the work, the City Planner, or other City Official or Independent Contractor as designated by the Mayor, shall prepare an estimate of project cost which includes quantity time estimates for labor and equipment.
- v. When there is more than one contractor who has the labor and equipment to perform the work, the cost from each contractor shall be estimated by the City Planner or other City Official designated by the Mayor, using their time quantity estimates. This estimate shall be kept confidential until the work is awarded.
- vi. For work with an estimated cost of less than \$50,000, the work may be awarded to the contractor with the lowest estimated cost based upon the City's cost estimate, however, before the work is awarded, the contractor shall provide an estimate of time charges for labor and equipment.
- vii. For work with an estimated cost of more than \$50,000, the City Planner or other City Official designated by the Mayor shall request labor and equipment time budgets from each qualified contractor and compare all estimates before deciding whether to award the work.
- viii. In deciding whether to award the work under county contract, or competitively bid the work, the City Planner or other City Official designated by the Mayor may consider the accuracy of previous contractor time and cost estimates under county contract jobs, including county contract work for the county and other municipalities.

II. Methods of Competition to be used for Non-Bid Procurement:

The methods of procurement to be used are as follows:

| Purchase Contracts for Goods Costing Less than \$20,000 | |
|---------------------------------------------------------|----------------|
| ESTIMATED COST | WRITTEN QUOTES |
| \$100 to \$999 | 1 |
| \$1,000 to \$2,999 | 2 |
| \$3,000 - \$19,999 | 3 |
| Public Works Contracts Costing Less than \$35,000 | |
| \$100 - \$15,000 | 2 |
| \$15,001 - \$34,999 | 3 |

Notes to Table

- (a) The head of the Purchasing Department may approve purchases of Goods costing less than \$1,000 without Mayoral approval. All other purchases require prior Department Head and Mayoral approval. When the Mayor is unavailable, the Mayor Pro Tem or the City Councilor who is liaison to the purchasing department may approve the purchase.
- (b) If the suggested number of written quotes cannot be obtained, this fact should be noted on the purchase order.
- (c) Written quotes should be kept in the purchasing department's file.
- (d) Where three written quotes are required for Goods, at least one quote should be obtained from an internet-based vendor. The requirement for written price quotes for the purchase of goods may be satisfied by copying the internet page where goods are offered for sale, or from internet price comparison web sites that report prices from more than one vendor. If a vendor who sells goods over the internet is rated by customers, a relatively low customer rating may be used as a basis for purchasing goods from a vendor other than one who offers the lowest price.
- (e) De minimis purchases of goods or services under \$100 do not require a written quote.

IV. Awards to Other Than Lowest Responsible Dollar Offeror:

Whenever any contract is awarded to other than the lowest responsible dollar Offeror, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b above shall be explained by the purchasing department head in writing and attached to the purchase order.

V. Items Excepted From Policies and Procedures by Common Council:

A. There may be circumstances where the solicitation of alternative proposals or quotations, or accepting the lowest price or offer, will not be in the best interest of the City. These circumstances might include:

1. Emergencies where time is a crucial factor.
2. Procurement for which there is not viable competition (sole source items).
3. Procurement of professional services.

Professional services or services requiring special or technical skill, training, expertise or familiarity with the policies, procedures, past practices and operational decisions of the City. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the City, e.g., legal and accounting services, impact liability issues of the City and its directors, including securities liability in circumstances where the City is issuing bonds. These qualifications and the concerns of the City regarding its liability and the liability of its officers are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the City shall take into consideration the following guidelines: (a) whether the services are subject to state licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and the officers of the City. Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of City-owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Banking and insurance services shall be procured by RFP submitted to not less than three providers.

VI. Input from Officers:

Comments concerning the policies and procedures shall be solicited from city officers involved in the procurement process prior to the enactment of the policies and procedures, and will be encouraged at all times hereafter.

VII. Supersedes Prior Policy; Effective Date. This policy restatement supersedes all previous policies concerning the purchase of goods and services. It is effective on the date it is adopted by Common Council resolution with respect to purchases made after that date.

VIII. Annual Review.

The Common Council shall annually review these policies and procedures. The Mayor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. It is contemplated that the annual review will be made during annual budget preparation, or such other time as the Mayor may designate.

VIII. Unintentional Failure to Comply:

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken, or give rise to a cause of action against the City of Plattsburgh or any officer or employee thereof.

IT IS HEREBY RESOLVED, that the foregoing **PROCUREMENT POLICIES AND PROCEDURES** shall become effective on October ____, 2018.

The foregoing **PROCUREMENT POLICIES AND PROCEDURES** were adopted by resolution of the Common Council at a regular meeting of the Common Council held on October __, 2018.

GML 103.16 reads as follows: 16.[fn*] Notwithstanding the provisions of subdivisions one, two and three of this section, and section one hundred four of this article, any officer, board or agency of a county, political subdivision or of any district therein authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such county, political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other governmental entities.

The authority provided to counties, political subdivisions and districts therein pursuant to this subdivision shall not relieve any obligation of such county, political subdivision or district therein to comply with any applicable minority and women-owned business enterprise program mandates and the preferred source requirements of section one hundred sixty-two of the state finance law.

[fn*] NB Effective until 2017/08/01, pursuant to Laws 2012, ch. 308, Sec. 2

CITY OF PLATTSBURGH PURCHASING PROCEDURES

These instructions are for employees buying goods for the City of Plattsburgh and its departments. Please reference the City of Plattsburgh Purchasing Policy last revised January 13th, 2013, the City of Plattsburgh Charter at C6-15(D), the Procurement Policies and Procedures for the City of Plattsburgh adopted on July 26, 2012, and Common Council Resolution 7 dated January 26th, 2017, for specific requirements and procedures for procuring goods and services for the City of Plattsburgh.

1. The City of Plattsburgh is a New York State municipal corporation and is exempt from paying sales taxes on all purchases. Its Federal tax payer identification number is #14-6002376.
2. The purchase of all goods and services requires a Purchase Order authorized by the Mayor or in his absence the Mayor Pro Tem or the City Department Head before good or services are ordered for the City. A copy of the purchase order will be provided to the vendor when the order is placed, if required. The purchase order will have a "purchase order number" required for the vendor to reference for receiving payment.
3. A purchase order is created by entering a purchase requisition record within the City's business system by the employee initiating the purchase. At the time of entering the purchase requisition, all pertinent information is required as to vendor number, name and address, the account number having sufficient appropriations to be encumbered by the purchase order and eventually receive the invoice amount, the quantity of items being purchased and the item price. Adhering to the City purchasing procedures as to pricing is required such that two or three quotes are required depending on the amount of the purchase and can be attached to the purchase requisition in the most efficient manner – see City purchasing policy referred to above.
4. Purchase requisitions are approved by the Department Head via the City's electronic purchase requisition processing system. If the requisition is in excess of \$1,000, a requisition is then forwarded to the City

Chamberlain for approval by the Common Council. Approved purchase requisitions are converted into purchase orders and created for printing or electronic record production for supplying to the vendor to ship goods, provide services and eventually invoice the City for payment.

5. The vendor must complete an IRS W-9 taxpayer identification number and certification if one is not on file. If a vendor record does not exist for requisition processing, then a vendor record has to be added by contacting the Finance Department.
6. Goods should be shipped to the "ship to" address on the purchase order and shipping papers or receiving documents should include the purchase order number.
7. If possible, the goods should be shipped with a reference copy of the vendor's invoice including the purchase order number, a copy of the signed purchase order and the W-9. The invoice for payment and any supporting documentation may be mailed, or sent as a pdf file by electronic mail, or sent by facsimile to the Finance Department where the invoice for payment must reference the purchase order number for it to be paid. If the Finance Department's email address or fax number do not appear on the purchase order please check the City website at <http://www.cityofplattsburgh-ny.gov/>, or call the Finance Department.
8. The vendor's invoice will be processed for payment after the goods are received and inspected. Payment is normally made by check within 3 to 4 weeks after receipt of the goods and invoice, unless specific payment terms apply.
9. When the City of Plattsburgh purchases good from a vendor under a purchase order, and the vendor accepts the order by shipping the goods, the vendor agrees that notwithstanding any terms on its invoice or other vendor document to the contrary, the amount due for the goods may be paid without interest if payment is issued within 30 days of when the goods are accepted and the vendor's invoice and supporting documents is received by the City, whichever last occurs.
10. The City of Plattsburgh may agree to different payment terms than those set forth above, but any change in the terms must appear on the approved purchase order, or in a separate writing signed by the Mayor, Chamberlain or director of the Department ordering the goods.

Appendix E - City of Plattsburgh Workplace Violence Prevention Policy and Incident Reporting

The City of Plattsburgh is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City of Plattsburgh property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

The City of Plattsburgh has identified response personnel that include a member of management and an employee representative. If appropriate, the City of Plattsburgh will provide counseling services or referrals for employees through the Employee Assistance Program.

All City of Plattsburgh personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Richard Marks
City Chamberlain
Finance
563-7704
6 Miller Street

Adopted 11-23-10

Appendix F Alcohol Drug Use Policy

Effective January 1, 1996

Adopted by City November 16, 1995 Resolution.

PURPOSE :

This policy outlines The City of Plattsburgh's standards on the prohibition of alcohol and drugs in the work place. The City of Plattsburgh has a vital interest in maintaining safe, healthy and efficient work conditions for all. The purpose of this policy is to assist employees in the guiding of their conduct, thereby promoting productivity and protecting the City from liability. It will also provide instruction to supervisors when an employee appears impaired at work. This policy is also intended to comply with all applicable federal regulations governing work place alcohol and drug programs. All of these efforts will contribute to a safer work environment and protect our employees and the public from the risks posed by the use of alcohol and prohibited drugs.

POLICY :

This policy is based upon City of Plattsburgh's continuing effort prohibiting the use of alcohol and drugs on the job, the Federal Drug-Free Workplace Act of 1989, City of Plattsburgh's Drug-Free Workplace Policy and the Omnibus Transportation Employee Testing Act (OTETA). The OTETA will take effect for the City of Plattsburgh's departments January 1, 1996. The City will comply with United States Department of Transportation (USDOT) rules which mandate pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up drug and alcohol testing of employees in various positions requiring the possession of a commercial driver's license and positions defined as safety sensitive. Employees determined to be in safety-sensitive positions will be notified of their status and responsibilities prior to the implementation of any drug and alcohol testing programs. The definition of safety sensitive functions for the purpose of this policy is defined as:

An employee at a carrier or shipper plant, terminal, facility or other property, or any public property, waiting to be dispatched, unless the driver is relieved from duty by the motor carrier;

An employee who inspects the following equipment:

- service brakes, including trailer brake connections
- parking (hand) brakes
 - steering mechanism
- lighting devices and reflectors
- tires
- horn
- windshield wipers
- rear vision mirrors
- coupling devices
- fire extinguisher
- spare fuses
- warning devices' for stopped vehicles.

An employee who inspects, services or conditions any commercial motor vehicle (CMV) at any time;

An employee who is at the driving controls of a commercial motor vehicle (CMV) in operation;

An employee who is in or upon any commercial motor vehicle (CMV) except when resting in a sleeper berth;

An employee who supervises or assists in loading or unloading a vehicle;

An employee who attends a vehicle being loaded or unloaded;

An employee who is in readiness to operate the vehicle;

An employee who is giving or receiving receipts for shipments loaded or unloaded;

An employee who performs the driver requirement of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, relating to accidents;

An employee who is repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

The Departments will assist employees who have a drug or alcohol dependency problem to recover from such addictions, provided the employees seek or accept assistance. However, the Departments may take appropriate formal disciplinary action which can include penalties up to and including termination of employment, in accordance with Section 75 of the Civil Service Law, if applicable or subject to termination pursuant to the discipline and discharge actions of the current labor contract, to resolve drug or alcohol related job performance and/or misconduct problems. In addition to formal discipline, employees may be referred to the City's Employee Assistance Program (EAP) to aid in dealing with drug or alcohol dependency problems. The City of Plattsburgh maintains an EAP to help, counsel and advise employees with drug abuse, alcohol, personal, social or mental problems. It is completely confidential. It is important to emphasize that employees with drug and/or alcohol problems who wish to avail themselves of rehabilitative services under the EAP or any other rehabilitation program should pursue help before they are determined to be in violation of the City's Drug and Alcohol Policy.

EMPLOYEE RESPONSIBILITIES:

It is the policy of The City of Plattsburgh that:

1. No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage or illegal drug or any other intoxicating substance on a job site, or department property while on duty; or while in a City vehicle, a vehicle leased for City business, or a privately owned vehicle being used for City business during the employee's work hours.
2. No employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as a result of consuming alcohol, illegal drugs or other intoxicant. Further, no employee notified of being in a safety sensitive position as defined by the Omnibus Transportation Act of 1991 shall report to work in a condition that violates that Act and the corresponding rules.
3. Effective January 1 1996, an employee notified of being in a safety sensitive position as defined by the rules of the (OTETA) is further prohibited from the use of alcohol four (4) hours prior to operating a Commercial Motor Vehicle (CMV). No supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to operate a Commercial Motor Vehicle.
4. While prescription drugs are not prohibited, they should not render an employee unfit for duty. Situations of this nature should be brought to the supervisor's attention by the employee, especially if the employee's job responsibilities have an impact on the health and safety of others and/or has been identified as a safety sensitive position. These situations should be addressed confidentially on a case—by—case basis and it may be necessary for the employee's physician to certify that the substance does not adversely affect the employee's fitness for duty.
5. Any work—related accident or injury involving City vehicles, equipment and/or property where it can be demonstrated that the use of alcohol, drugs, or other intoxicants may have been a contributing factor, will result in formal discipline which can include penalties up to and including termination of employment, in accordance with Section 75 of the Civil Service Law 9 if applicable or subject to termination pursuant to the discipline and discharge actions of the current labor contract. Further, effective January 1 1996 an employee serving in a safety sensitive position shall be required to take post—accident alcohol and drug tests in accordance with the (OTETA). A Safety Sensitive employee shall not use alcohol for eight (8) hours following an accident or until he/she undergoes a post—accident alcohol test, whichever occurs first.
6. An employee must notify his/her supervisor of any criminal drug statute conviction which results from a violation occurring in the workplace no later than five days after the date of such convictions. A supervisor notified of such a conviction shall relay that information to one of the Department Managers.

7. An employee may be directed to undergo a medical examination under Section 72 of the New York State Civil Service Law if a supervisor has a reasonable suspicion that the employee is not able to perform his or her duties as a result of a disability which may be caused by alcohol or a controlled substance.

Furthermore, effective January 1, 1996 an employee notified of being in a safety sensitive position as defined by OTETA must be directed to undergo alcohol and/or drug testing when the supervisor has "reasonable suspicion" to believe the employee violated the alcohol or prohibition of the Act.

A reasonable suspicion must be based on specific reliable observations about the employee's appearance, behavior, speech, or body odors. Some examples would be: unsteady gait, odor of alcohol on the breath, thick or slurring speech, aggressive or abusive language or behavior, disorientation or lethargy. Other factors to consider include: employee's time and attendance patterns, on-the-job accidents, difficulty remembering instructions or conversations, poor relationships with co-workers and supervisor, and other variations in productivity. Usually reasonable suspicion will be based upon a combination of these factors.

8. Refusing to submit to an alcohol or controlled substances test at any time will result in a positive test result for controlled substance and a .04 test result for alcohol.
9. Every employee that performs safety sensitive functions will receive a sixty (60) minute training class on the City of Plattsburgh's Alcohol and Drug Policy, the Employee Assistance Program (EAP) and the signs and effects of drug use in the workplace.
10. Violation of these rules may result in disciplinary action up to and including termination of employment.

SUPERVISORY RESPONSIBILITIES:

It is the policy of the City of Plattsburgh that:

1. Supervisors will receive a minimum of one (1) hour of training on alcohol misuse symptoms and indicators used in making determinations for reasonable suspicion testing and a minimum of one (1) hour training on drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
2. Supervisors are responsible for determining through direct observation, whether an employee is capable of performing his/her assigned duties. Symptoms of being under the influence of alcohol and drugs include incoherent or belligerent speech, smell of alcohol, difficulty working, or erratic or unusual behavior uncommon to the employee. (See #7 of Employee Responsibilities Section).
3. Employees who are suspected of being unfit for duty may not remain at the workplace. Such incidents and situations as described in above should be witnessed and documented in writing immediately and a higher level of supervision/management consulted. Clearly, an employee who is impaired should not be allowed to drive home from the workplace (See #4 below for further direction.)
4. Employees who are suspected of being unfit for duty as a result of alcohol or drug use should be directed for reasonable suspicion-based drug and/or alcohol testing in accordance with Section 72 of the Civil Service Law and for those employees serving in safety sensitive positions with the OTETA. Supervisors should immediately bring their observations to the attention of their superiors so that medical examination and/or testing arrangements can be made as soon as practical.
5. After reasonable suspicion testing issues have been resolved, the supervisor should arrange to send the unfit employee home with a member of the employee's family or friend of the employee or in a taxi at the employee's expense. If all other alternatives are exhausted, a supervisor may allow an employee who is unfit for duty to be driven home by the supervisor's designee in a City vehicle.
6. The fact that an employee under the influence of alcohol or drugs was not allowed to remain at work is not considered a disciplinary suspension. After a removal is achieved, supervisors or managers should discuss the specifics of the situation with the supervisor to review which actions are appropriate, depending on the test results.

7. When an employee displays dangerous, aggressive or abusive behavior due to the suspected influence of alcohol or a controlled substance, which constitutes a danger to that employee or others and the employee resists voluntarily leaving the workplace, the supervisor should immediately bring this to the attention of a Department Manager. Employee may be subject to disciplinary actions. In cases where the employee does not comply with disciplinary suspension or due to the time of day disciplinary suspension approval could not be obtained and the employee continues to display aggressive and/or abusive behavior which constitutes a danger in the workplace, the supervisor may have to contact local law enforcement authorities to remove the employee from the workplace. Law enforcement intervention should only be taken if it is believed an immediate danger to persons or property exists and the other measures described above were unsuccessful in controlling the situation.

MANAGEMENT RESPONSIBILITIES:

It is the policy of the City of Plattsburgh that:

1. A drug and alcohol-free workplace be maintained through the efforts and personal example of management.
2. Appropriate corrective actions be taken with subordinate managers and supervisors who fail to perform their duties and responsibilities as outlined in this policy.
3. Managers and supervisors discuss with subordinate employees any behavior or job performance factors that may indicate the use of drugs, alcohol or other violations of this policy and when appropriate suggest that employees seek assistance through the Employee Assistance Program (EAP).
4. After January 1, 1996, managers will direct employees in designated safety sensitive positions to mandatory pre-employment/ pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing in accordance with the OTETA. Supervisors should also direct other employees believed to be unfit for duty for medical examination and possible alcohol and/or drug testing in accordance with Section 72 of the New York State Civil Service Law.
5. All employees and supervisors understand its Drug-Free Workplace policies and Drug Testing Procedures. All supervisors will be trained how to recognize behaviors that indicate reasonable suspicion for requesting medical examinations, including drug and/or alcohol tests.

TYPES OF TESTING

Pre-employment Testing: Prior to obtaining employment With the City of Plattsburgh, an applicant for employment shall be subject to a controlled substance test when the position requires the employee to perform safety sensitive functions. Refusal to submit to such test will foreclose any further action on the applicants employment for at least six (6) months.

All employees performing safety sensitive functions shall be subject to screening under the circumstances below, Before the implementation of any such substance screening, each employee will be notified of their classification and if they are subject to the alcohol and drug policy.

Post-Accident Alcohol and Controlled Substances Test. Any employee in an accident involving a commercial motor vehicle shall be subject to alcohol and controlled substances testing when either: the accident involved a fatality or the driver receives a citation under state or local law for a moving traffic violation arising from the accident. For the purpose of the policy the definition of an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injured treated away from the scene or a vehicle is required to be towed from the scene.

Reasonable Suspicion Alcohol and Controlled Substances Testing: When there is reasonable evidence to suspect that an employee has reported to work, or is working impaired, the employee may be subject to alcohol and controlled substance testing. (See #7 of the appropriate Employee Responsibilities Section above).

Random Alcohol and Controlled Substance Testing: Any employee performing a safety sensitive function will be subject to alcohol and controlled substance testing at any time on a random basis. Random selection shall be determined by Employee Assistance Services by notifying a department manager twenty-four hours prior to the testing. The Department Manager will keep the information confidential until notifying the supervisors, at the beginning of a shift, which employees shall be required to report for testing. Employees selected for the random testing must proceed immediately to the testing site upon notification of selection. Random controlled substances testing shall be administered at a minimum annual rate of 50% of the average number of employees in safety sensitive positions. Controlled substance testing will be testing for the presence of marijuana, cocaine, opiates, amphetamines and phencyclidine. Random alcohol testing shall be administered at a minimum annual rate of 25% of the average number of employees in safety sensitive positions. An employee shall be tested only while performing safety sensitive functions, immediately prior to performing or immediately after performing safety sensitive functions.

Return to Duty Testing: Any employee returning to duty requiring the performance of a safety sensitive function, after engaging in prohibited conduct regarding alcohol misuse, will be required to undergo a return to duty alcohol test. Test must result in a breath alcohol concentration of less than .02 to return to duty. Any employee returning to duty requiring the performance of a safety sensitive function after engaging in prohibited conduct regarding controlled substance use, will be required to undergo a return to duty controlled substances test. Test must result in a negative result for controlled substances use. Any employee who reports to work unfit for duty and is sent home, subject to a medical examination by a physician at the City's expense as a condition of returning to work.

Follow-up Testing: Following a determination employee is in need of assistance in resolving problems associated alcohol misuse and/or use of controlled substances, the employee is subject to unannounced follow up alcohol and/or controlled substances testing as directed by the substance abuse professional with a minimum of six follow-up tests scheduled within one year. The employee will be responsible for payment of the doctor and lab charges.

PROCEDURES FOR POLICY ENFORCEMENT:

Alcohol Concentration of .02 but less than 04: Any employee having a test result of an alcohol concentration of 0.02 but less than 0.04 will be immediately removed from performing safety sensitive functions and from duty for a period of 24 hours. Upon a second offense, the employee will be removed from duty and referred to the EAPO. The Substance Abuse Professional will determine when an employee is fit to return to work. An employee sent home shall be entitled to use sick leave or vacation leave. For each offense an employee will be subject to passing the return to duty alcohol test before returning to work for all occasions. Upon a third time offense, an employee will be subject to disciplinary charges including termination of employment, in accordance with Section 75 of the Civil Service Law, if applicable or subject to termination pursuant to the discipline and discharge actions of the current labor contract.

Alcohol Concentration of .04 and Greater: Any employee having a test result of an alcohol concentration of 0.04 or greater, will be removed from duty and referred to the EAP. Return to duty will be determined by the Substance Abuse Professional. An employee sent home shall be entitled to use sick leave or vacation leave. Failure to participate in the EAP, an employee will be subject to disciplinary charges including termination of employment, in accordance with Section 75 of the Civil Service Law, if applicable or subject to termination pursuant to the discipline and discharge actions of the current labor contract. An employee returning to duty will be subject to a minimum of six follow up tests in a period of one (1) year. Upon a second offense, of a test result of an alcohol concentration of 0.04 or greater, the employee will be subject to disciplinary charges including termination of employment, in accordance with Section 75 of the Civil Service Law; if applicable or subject to termination pursuant to the discipline and discharge actions of the current labor contract.

Controlled Substance: Any employee having a positive test result for controlled substances will be removed from duty and referred to the EAP. Return to duty will be determined by the Substance Abuse Professional and a negative test result for controlled substances. An employee sent home shall be entitled to use sick leave or vacation leave. Failure to participate in the EAP, an employee will be subject to disciplinary charges including termination of employment, in accordance with section 75 of the Civil Service, if applicable or subject to termination pursuant to the discipline and discharge actions of the current labor contract. An employee returning to duty will be subject to a minimum of six follow-up tests in a period of one (1) year.

Upon a second offense of a positive test result for controlled substances, the employee will be subject to disciplinary charges including termination of employment, in accordance with Section 75 of the Civil Service Law, if applicable, or subject to termination pursuant to the discipline and discharge actions of the current labor contract.

In summary, it is the policy of the City of Plattsburgh that all employees remain free of any drug and/or alcohol induced impairments while on duty, refrain from the use of illegal drugs and/or alcohol while on duty, and while serving in a designated safety sensitive position, undergo any drug and/or alcohol testing accordance with OTETA.

Appendix G Sexual Harassment Complaint Form



City of Plattsburgh

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Human Resources contact person, Chamberlain Richard Marks. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

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 Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

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 (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

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

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Appendix H Annual Manager Self Evaluation Form

City of Plattsburgh Annual Evaluation Goal Setting Dialogue for Managerial/Supervisory Employees

| | | | |
|--------------------------|----------------------|---------------------|----------------------|
| Name: | <input type="text"/> | Position/Title: | <input type="text"/> |
| Supervisor | <input type="text"/> | Goal Setting Period | <input type="text"/> |
| Initial Discussion (Y/N) | <input type="text"/> | Date Completed | <input type="text"/> |

Please review job description prior to the meeting with your employee.

I. Employee Assessment (Supervisor completes this section)

1. List the employee's most significant contributions or accomplishments this year. Provide some specific examples of what was done well this year.

List goals employee accomplished from the previous year.

2. Highlight the employee's strengths as a manager or supervisor. Discuss areas in which you would like the employee to make improvements. Discuss strategies to achieve the improvements.

3. Identify the employee's uncompleted projects. Discuss barriers and challenges. (Discuss ways in which you can be a resource to the employee).

Key Areas of Responsibility

Please use the supervisory competency framework below to prompt or guide discussion on strengths, areas needing improvement and annual goals/employee development.

- ✓ **Job Knowledge** (Technical and Specialized Skills and Expertise)

- ✓ **Managing the Work** (Providing Direction, Prioritizing, Scheduling, Organizing, Delegating, Measuring Performance, Accountability, Meeting Deadlines, Driving Execution)

- ✓ **Managing or Supervising Others** (Clear and Effective Communications, Coaching, Team Building, Feedback, Conflict Resolution, Customer Service, Relationship Building, Employee Development, Judgment and Decision Making)

- ✓ **Managing Self** (Interpersonal Skills, Self-Development, Self-awareness of personal work style and values, Impact on others, Role Model, Inclusiveness)

- ✓ **Managing Systems** (Supervisor/Manager's ability to operate within organizational systems e.g. Understands internal Policies, Procedures, Standards, Budget, Compliance, Legal, Human Resources, Documentation/Record Keeping, Safety)

III. **Goals** (Supervisor and employee establish up to three annual goals e.g. Focus can be on individual, departmental, or organizational)

What are the most important goals and tasks in the next year? What challenges or barriers do you anticipate? Discuss projected timeline for accomplishing goals.

IV. **Employee Development** (Supervisor and employee establish development plan)

What type of training or on the job experiences would benefit the employee's performance the most in the next year?

V. **Opportunities for Growth and Job Enhancement**

What type of projects or assignments would the employee like to be doing in in the next five years to enable professional growth or renewed interest? (Discussion to include what will be required to maximize potential for current position or for future possibilities.)

SIGNATURES

Immediate Supervisor:

Second level Supervisor (If Applicable):

