

RENSSELAER COUNTY

PERSONNEL POLICY



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INTRODUCTION

This Personnel Policy Manual contains information about the County's employment policies and procedures and an overview of County benefits. The employment terms set out in this Manual work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the County. Employees should consult the terms of their collective bargaining agreement. Wherever employment terms in this policy differ from the terms expressed in the applicable collective bargaining agreement with the County, employees should refer to the specific terms of the collective bargaining agreement, which will control.

The policies and procedures in this Manual are guidelines only. The County reserves the right to interpret and administer the provisions of this Manual as needed, including through the adoption of separate administration manuals for the County's individual departments. Each employee should read and become familiar with the information contained in this Manual, as well as any separate department administrative manual. Failure to comply with the County's policies or procedures may result in discipline, up to and including termination.

Nothing in this Manual creates a contract of employment between the County and any employee. This Manual does not create a binding agreement between the County and any employee. The County can change or delete and replace the procedures and policies in this Manual at any time, with or without notice to employees.

SECTION I
EMPLOYMENT POLICIES

1.1 AFFIRMATIVE ACTION

It has been the established personnel policy of Rensselaer County to effectively utilize available manpower resources by selecting the best qualified person for the job to be performed in accordance with provisions of the Agreement between the County and its employees, New York State and County Civil Service Law, and Federal and State Law. Personnel that have been hired and promoted in the past and those hired and promoted in the future, have been and will continue to be selected from all applicants on the basis of qualifications. These factors include, but are not limited to, ability, availability, capability, aptitude, experience, education, health, and a willingness to work and serve.

1.2 EQUAL EMPLOYMENT OPPORTUNITY POLICY

Rensselaer County is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practices laws. Rensselaer County is committed to providing equal employment opportunity to all people without regard to race, color, religion, creed, sex, sexual orientation, gender identity or expression, national origin, age, marital status, familial status, status as a victim of domestic violence, ancestry, disability, predisposing genetic characteristics, military or veteran status, or status in any other group protected by federal, state, or local law. This policy applies to all terms and conditions of employment, including but not limited to, hiring, promotion, discipline, termination, layoff, recall, transfer, leaves of absence, compensation, training, work activities, and any other terms, conditions, and privileges of employment.

The County strictly prohibits and does not tolerate discrimination against employees, applicants, interns, or any other covered persons because of any characteristic protected by applicable federal, New York, or local law.

The County also complies with the law regarding reasonable accommodation for employees with disabilities, and for employees' religious beliefs, practices, and observances.

Any employee engaging in a discriminatory practice will be subject to discipline, up to and including termination.

If you have a complaint about Equal Employment Opportunity, please direct your concerns to your immediate supervisor, your Department Head, or to the Director of Human Resources, pursuant to the County's Non-Discrimination, Non-Harassment, and Anti-Retaliation Policy.

If you have questions regarding this policy or its requirements, you should contact the Director of Human Resources.

The Director of Human Resources and the County Attorney will periodically review the County's personnel practices and procedures to assure compliance with this policy.

1.3 DEFINITIONS

Because of the nature of the services that the County provides and in accordance with rules and regulations of Civil Service, County employees are defined and appointed to positions in various ways. The most common types of employee definition and appointment are:

1. Full-Time Employees — Full time employees are those who work for the County on a regular scheduled basis for 35 or 40 or more hours per week. Their position with the County is considered their “bread and butter” job.
2. Less than Full Time Benefit Employees — A part-time employee, defined as an employee who, on a regular schedule works seventeen and one-half (17 1/2) or more hours per week in a 35 hour per week department or twenty (20) or more hours per week in a 40 hour per week department, shall be eligible for contract benefits on a pro-rate basis.
3. Part-Time No Benefit Employees — These employees are those who work for the County less than twenty (20) hours per week, or seventeen and one-half (17 1/2) hours per week where applicable, and are entitled only to those benefits required by applicable Civil Service Law (if any). They have no contractual grants.
4. Temporary Employees — Temporary appointments are defined in Civil Service Law as those that can be made for a period not exceeding three (3) months when the need for such service is important and urgent. Temporary employees may be appointed for longer periods than three (3) months in accordance with the special provisions of Section 64 of Civil Service Law. Under certain circumstances, temporary employees are entitled to benefits as described in the Labor Agreement (Section IV).
5. Provisional Employee — Provisional appointments are described in New York State Civil Service Law as follows: “Whenever there is no appropriate eligible list available for filling a vacancy in the competitive class, the appointing officer may nominate a person to the State (County) Civil Service Department or municipal commission for non-competitive examination, and if such nominee shall be certified by such department or municipal commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination....” For further information on Provisional Employees and benefits granted to said employees in the County of Rensselaer, consult Section 65 of Civil Service Law and Labor Agreement (Section IX).
6. Permanent Employees — These are employees who are appointed to a position from the established eligible lists in the County. The Civil Service Department may require that permanent appointments or promotions to designated positions shall be conditioned upon the satisfactory completion of a term of service as a trainee in such a position or in an appropriate lower training title or the

completion of specified training or academic courses, or both (CSL Rules Section 4.3).

7. Tenured Employees — All non-competitive and labor class employees who have completed the required probationary period called for in the Labor Agreement (Article XVII — Section 1) are accorded tenure. For determining eligibility for benefits, time spent in a permanent position is considered.

PROCEDURE:

In the event that there is any question regarding the definition or category of any employee, the Civil Service Department should be consulted. In the event there is a misunderstanding of the pro-rata basis of benefits or other questions of benefit entitlement, the human resources office should be contacted. Each department should be using the pro-rata formulas contained in Appendix C.

1.4 CIVIL SERVICE APPOINTMENTS AND PROMOTIONS

Employment with the County falls under the jurisdiction of the Rensselaer County Civil Service Commission; thereby the County operates under its laws, rules and regulations. The purpose of these laws is to assist in the selection and promotion of employees based on merit and fitness. Civil Service requires different selection procedures based on how it classifies a position. Written examination, review of a training and experience questionnaire, and review of minimum qualifications are some methods that Civil Service uses to determine candidates' merit and fitness for a position. In those cases where Civil Service does not require a written examination for promotion, union agreements frequently outline procedures that should be followed.

Once an employee is appointed or promoted, a probationary period must be served. The length of the probationary period is defined by New York State Civil Service Law, the County Civil Service Commission, or by the agreement between the County and the appropriate union. Employees will be notified of the duration of the probationary period in writing by the Bureau of Human Resources. During the probationary period, supervisors will work closely with employees to provide training and direction to assist the employee in learning the job. The probationary employee's performance will be evaluated on a regular basis to communicate to the employee if (s)he is meeting the supervisor's expectations.

PROCEDURE:

In the event that there is any question regarding the definition or category of any employee, the Director of Human Resources or, where necessary, the Civil Service Department should be consulted.

1.5 ELIGIBLE LISTS

Eligible lists will be drawn up in a manner consistent with the rules and regulations of the New York State Civil Service Law and the New York State Civil Service commission as referenced in Civil Service Law Sections 25, 60, 23, 57, 56, 17, 85, 73, 71, et. seq.

PROCEDURE:

The Rensselaer County Civil Service Commission is responsible for adopting and developing the policies and procedures to be employed in the County on all eligibility lists.

1.6 SEQUENCE OF CERTIFICATION OF ELIGIBLE LISTS POLICY

It is the policy of the County in compliance with the rules and regulations of the Rensselaer County Civil Service Commission that the procedures and policies of the Commission are to be reviewed and understood by all Department Heads or others who exercise appointing authority. Each appointing officer must review the procedures carefully since they will affect the employment rights of all future provisional employees.

Further, it is the policy of the County that all prospective employees be advised of these policies and procedures prior to acceptance of employment.

PROCEDURE:

The Rensselaer County Civil Service Commission has adopted the following policy and procedure on the sequence of certification of eligible lists:

1. A certification of the successful eligibles on the departmental promotion list for the department should the vacancy exist shall be sent first.
2. A certification of all the successful eligibles on the inter-departmental promotion list for the jurisdiction where the vacancy exists shall be sent next.
3. A certification of the successful eligibles from the Open Competitive list who have met the residency requirements on the examination announcement for preference in the jurisdiction where the vacancy exists.

1.7 EMPLOYEE CLASSIFICATIONS

The County designates each employee as either exempt or non-exempt in compliance with applicable federal and state law.

1. Employees who are designated as **exempt** are paid a fixed salary and are not entitled to overtime pay.
2. Employees who are designated as **non-exempt** are entitled to overtime pay for all hours worked over 40 in a workweek, as required by federal and state law.

The County also assigns each employee as: Full-Time, Less Than Full Time, or Part-Time. These categories are defined by the specific agreement with the union.

1.8 APPOINTMENTS

It is the policy of Rensselaer County that appointments are to comply with Section 97 (1) and 97 (2) of the New York State Civil Service Law until such law is revised or otherwise changed. The pertinent sections read as follows:

“No person shall be appointed to or re-employed in any position in the classified service of the State or of any civil division thereof, for which rules have been established pursuant to the provisions of this chapter, until he has passed an examination or is exempted from such examination in conformity with the provisions of this chapter or the rules established thereunder.”

PROCEDURE:

The following procedures are to be followed in filling all vacancies where the appointing authority is the County Executive or his Department and Office Heads. All appointments will be processed through the Bureau of Human Resources.

COMPETITIVE CLASS

1. Upon receiving the Certificate of Eligibles from the Bureau of Human Resources, the department contacts all candidates who have indicated that they will accept appointment, starting with the highest acceptor on the list. Interviews are conducted with the top three acceptors on the list or until the process produces three individuals willing to accept appointment after they have been advised of the specifics of the vacant position.

When the canvassing/interviewing process produces three qualified acceptors, the department must appoint one of these three candidates. Should the Certificate of Eligibles contain less than three acceptors prior to the interview, the department has the option of appointing one of the acceptors or requesting additional certified candidates through the Personnel Office. Before the additional request is made, the department should interview the candidate(s) on the previous list. If the interview *process* does not produce three qualified acceptors, and the department does not want to hire the one or two qualified acceptors available, the department should contact the Bureau of Human Resources for additional certified candidates and follow the steps listed below under Other Classes.

2. The Certificates of Eligibles must be acted on within 30 days from the date of issue, or the list must be reissued and re-canvassed by the Bureau of Human Resources. Extensions (up to no more than 30 additional days) are available only upon substantiated appeal to the Civil Service Commission Office.
3. Upon determination of an acceptable qualified candidate, the department returns copies 1 and 3 of the completed Certificate of Eligibles to the Bureau of Human Resources and submits all five (5) copies of a Personnel Change Form together with a completed Application for Employment to the Bureau of Human Resources.

OTHER CLASSES (EXEMPT. NON-COMPETITIVE. LABOR. ETC.)

1. Upon receiving referrals from the Personnel Office, the department contacts all candidates to advise them of the specifics of the position and to schedule interviews.
2. If, following the interview process, the department wishes to nominate a candidate, proceed as follows:
 - a. Forward a completed Application for Examination or Employment to the Personnel Office.
3. If required, the Personnel Office will fill out a Transmittal Nomination Memo to be forwarded to the Civil Service Commission to determine the candidate's eligibility for appointment.

The Commission will then submit an Eligibility Determination duplicate to the Personnel Office indicating whether or not the candidate is eligible for employment.
4. Upon determination of an acceptable qualified candidate, the department submits all five (5) copies of a Report of Personnel Change Form to the Bureau of Human Resources.

SPECIAL CASES

1. Preferred List (permanent appointees suspended or demoted)

When a preferred list exists for a particular title, this list supersedes all other lists and must be exhausted before other lists are used. If a department has a preferred list candidate who accepts the appointment, that candidate **MUST** be appointed regardless of any other provisions of this Section.
2. Temporary Appointments

Temporary appointments are made in the following instances:

 - a. When a permanent incumbent is promoted, the vacant item may be filled on a temporary basis until the promotee is permanently certified in the new position (upon satisfactory completion of the probationary period in the new position);
 - b. When a permanent incumbent is granted a leave of absence, the position can be filled on a temporary basis for the duration of the leave;
 - c. Temporary appointments are made for time-limited Federal and New York State grants.

Temporary appointments of less than three months duration are not under any restrictions with regard to certified eligible candidates, etc. All such appointments should be cleared through the Bureau of Human Resources. Temporary appointments of 3-6 months must be made from an eligible list, if one exists.

Any candidate on the list (regardless of rank) may be appointed. Temporary appointments of more than six (6) months duration must be made from the top three eligible list candidates willing to accept a temporary appointment. Should the position become permanent, the eligible list would have to be re-canvassed.

3. Provisional Appointments to Competitive Positions

If no current eligible list is available, the Civil Service Commission will request an examination from the New York State Department of Civil Service. In the interim, a department (in conjunction with the Bureau of Human Resources) may appoint an applicant on a provisional basis, providing that the applicant meets the qualifications for the position established in the job specification which was approved by the Civil Service Commission. Provisional appointments are effective until no later than two months following the establishment of an Eligible List from a Civil Service Examination. Provisional appointees must take and pass the Civil Service Examination for their position when it is scheduled and be one of the top three acceptors on the resulting eligible list in order to gain permanent status. Within two months after the establishment of an eligible list, the provisional item must be made permanent by either certification of the provisional incumbent (if possible and desired), or appointment of a qualified acceptor from the-eligible list.

4. Candidates With Identical Scores

All appointments must be made from the three highest qualified acceptors, except in the case where additional acceptors have a score or rating equal to that of the third highest acceptor. In such case, the appointing officer may appoint any acceptor whose score is equal to or greater than the score of the third highest acceptor.

1.9 EXAMINATIONS FOR PROMOTION

Each Department Head should familiarize him/herself with the procedures established by the Rensselaer County Civil Service Commission for promotion level positions. These procedures are subject to change and the Department Head should annually, or more frequently, review these procedures. The County will endeavor to revise this section of the Manual to keep it up to date in this area.

PROCEDURE:

The following procedures will be used by the Civil Service Commission:

1. The staff will review the provisional roster cards and determine whether or not all the provisionals are qualified to participate in a promotional examination for the particular title if they are; only a promotion will be held.
2. If when the staff reviews the qualifications of the provisional candidates, they find that some of the candidates will not be able to meet the qualifications for a promotional examination, then a back-up open competitive examination will be given to extend to those provisionals some opportunity of obtaining permanent status.

1.10 ACCEPTANCE OF APPLICATION FOR EMPLOYMENT POLICY

The Rensselaer County Civil Service Commission is responsible for the establishment of policies and procedures on the acceptance of applications. Each Department Head is to be familiar with the procedures outlined and adhere to them strictly. This is designed to provide an orderly process in the hiring of personnel in Rensselaer County. Anyone making application for examination shall make such application directly to the Civil Service Commission. Department Heads who receive applications will advise the applicant of the proper procedure.

PROCEDURE:

1. All personally delivered applications should be date stamped by a member of the Commission or Human Resources staff.
2. The Commission will not approve personally delivered applications which are dated after the closing of the examination.
3. Applications, which are received through the U.S. Mail or the inter-department mail system, should be date stamped by the Commission or Human Resources staff when received.
4. Applications, which are received through the U.S. Mail after the closing date of the examination, should have the envelope bearing the postmark attached.
5. The Civil Service Commission will not approve applications received through the U.S. Mail system with postmark dates beyond the due date for submission indicated on the announcement.
6. Department Heads should review all announcements for examinations and should notify all provisional employees in the appropriate title that the exam has been scheduled and applications are being accepted.
7. If an existing employee is just short of the necessary qualifications to take an exam (e.g. the employee has 11 months of experience in the position but one year

is required) the department head should consider preparing a letter on behalf of the employee asking that he or she be admitted to the exam.

1.11 APPLICATION FOR EMPLOYMENT

All applicants for positions or examinations in the County of Rensselaer must make application for the position they are seeking on the approved County form. No potential employee will be considered for employment until he/she has first completed the appropriate application. The County or any of its departments will not consider verbal requests or applications.

PROCEDURE:

1. All applications for positions within the County are to be directed to the Civil Service Department.
2. All applications for examination are to go directly to the Civil Service Department.

1.12 REQUEST FOR FILLING VACANCIES

A request for personnel action to fill a vacancy may be made by any Department Head seeking the personnel change. A Department Head seeking to submit such a request must complete the County's "Personnel Vacancy Request" Form and submit a copy of the completed Form to: (i) the Director of Budget; and (ii) the Director of Human Resources. If the request is to fill a new position, a New Position Duty Statement and Transmittal Classification Memorandum should also be submitted.

In completing the Personnel Vacancy Request Form, Department Heads must provide information on: source and percentage of reimbursement, mandated service or minimum staffing ratios, safety or health issues which should be considered, and whether or not the responsibilities of the position can be met by others or through re-organization. It should also be noted if the vacancy would result in having the other employees work overtime to perform mandated services.

The County's Personnel Vacancy Committee is responsible for reviewing all such requests. The role of this Committee is to provide a mechanism for the Office of the County Executive to promote effective utilization of staff resources, institute cost containment measures when necessary, and insure compliance within the approved budget and salary schedules.

PROCEDURE:

1. The Department Head seeking the personnel change must complete the Personnel Vacancy Request Form and submit one copy to the Director of Budget and one copy to the Director of Human Resources. (For new positions, a New Position Duty Statement and Transmittal Classification Memorandum should be completed).

2. All requests should be submitted no later than the Friday prior to the date of the Personnel Vacancy Committee meeting. The Personnel Vacancy Committee will meet the last Thursday of each month to review all requests received as of the immediately preceding Friday. The Director of Human Resources will provide the Committee with any new requests received by that date. (Requests received after the previous Friday will be processed at the following month's Committee meeting). Among other factors, with respect to each request, the Committee will discuss need, available funding, compliance with the Civil Service rules, and management objectives.
3. The Committee will provide a written recommendation to the Director of Human Resources in response to each Personnel Vacancy Request. The Director will provide the Department Head with the Committee's response. In the case a request is disapproved, the Department Head will be provided with the reason for the Committee's action and any recommendations for follow-up on the request.
4. If the request is granted, a Department Head should submit the payroll form or the designated County form. A Department Head should not provide any candidate under consideration with a potential start date.

1.13 RECRUITMENT

All recruiting for vacant positions must be coordinated with the Department of Civil Service.

PROCEDURE:

The following procedures are to be followed depending upon the nature of the vacancy.

COMPETITIVE CLASS

1. The interested County department must submit a request for a Certificate of Eligibles to the Civil Service Department.
2. The Civil Service Department will generate a list with as many candidates as is practical for the list to yield three candidates who will accept appointment. The Bureau of Human Resources will then canvass the list to determine how many candidates are still willing to accept appointment. Upon receipt of the returns of the canvassing process, the Civil Service Department will forward the Certificate of Eligibles with the appropriate entries to the interested department.
3. If a current eligible list does not exist, the procedures listed below for other classes of positions will be followed.

OTHER CLASSES (EXEMPT, NON-COMPETITIVE, LABOR, ETC.)

1. The Bureau of Human Resources will search its applicant files and will refer qualified candidates to the interested department.

2. If the Department has applications or resumes on file of qualified candidates, they should be forwarded to the Bureau of Human Resources. If the applicable steps above do not yield a qualified candidate for appointment, the department may advertise for the position. The Civil Service Department must approve such advertising and a copy of the proposed advertisement must be filed with the Bureau of Human Resources. In most cases, applicants will be directed to apply directly to the Bureau of Human Resources for pre-screening prior to being referred to the department involved.

1.14 CREATING OR RECLASSIFYING POSITIONS

It is the policy of Rensselaer County that the creation of new positions and the reclassification of current positions must be approved by both the Finance Office and the Bureau of Human Resources.

PROCEDURE:

1. The request for the creation of a new position or the reclassification of an existing position can be initiated by the Department Head through submission of a New Position Duties Statement and an accompanying Transmittal Classification Memo detailing the reasons for the request. This submission should be made jointly to the Finance Office (usually at the time of budget submission) and the Bureau of Human Resources.
2. Following approval of the Finance Office and Bureau of Human Resources, any changes requiring the appropriation of funds must be submitted to the Rensselaer County Legislature for approval by resolution which is subject to approval or veto by the County Executive.
3. Any newly created or reclassified positions must finally be acted upon by the Rensselaer County Civil Service Commission before they can be considered official.

1.15 BACKGROUND CHECKS

The County may require applicants and employees to undergo, and satisfactorily complete, a background check. The County will consider an individual's job duties, among other factors, in determining what constitutes satisfactory completion of the background check. All information obtained as a result of a background check will be used solely for employment purposes.

When a background check is required, you must complete the County's Background Check Policy and Authorization attached as **Appendix H**. Failure to timely complete an authorization may result in denial or termination of employment. Falsification or omission of information may result in denial of employment or discipline, up to and including termination. All background check information will be kept confidential. The County complies with all applicable federal and New York state and local laws regarding background checks.

The Bureau of Human Resources is responsible for the administration of this policy. If you have any questions regarding this Policy or if you have any questions about background checks that are not addressed in this policy, please contact the Director of Human Resources.

1.16 EMPLOYEE RESIDENCY REQUIREMENT

In accordance with local law, absent waiver of this requirement by the County (which will be granted on a case-by-case basis and only in limited circumstances), all employees must be a Rensselaer County resident at the time of hiring or, if a non-County resident at the time of hiring, may be hired only if they agree to move into the County within ninety (90) days of appointment.

The County Executive is responsible for implementing Local Law No. 3 of 1986.

Exception: A non-County resident may be hired by the County only if there is serious difficulty in filling a vacancy.

Exception Procedure: Prior to hiring a non-County resident, the Department Head must (i) review with the Bureau of Human Resources and receive authorization from the County Executive; and (2) petition the Legislature for a waiver.

Investigation Procedure:

1. The Bureau of Human Resources oversees investigations into suspected violations of this law.
2. If a violation is suspected, the County will provide notice to employee.
3. The employee has 5 business days to respond and submit proof of residency.
4. A hearing will be held within 10 days of the employee's response.
5. The Department Head is to act as hearing officer and issue decision within 5 days of the date of the hearing.

Penalty: Any employee in violation of this law will be deemed to have forfeited his/her employment and subject to termination.

PROCEDURE: ABSENT WAIVER, ANY NON-COUNTY RESIDENT HIRED FOR COUNTY EMPLOYMENT MUST SIGN A STATEMENT ACKNOWLEDGING HIS COMMITMENT TO MOVE INTO THE COUNTY WITHIN NINETY (90) DAYS OF HIS/HER APPOINTMENT. A COPY OF THIS ACKNOWLEDGEMENT LETTER WILL BE PRESENTED TO THE EMPLOYEE FOR HIS/HER SIGNATURE AT THE TIME OF HIRE.

1.17 VERIFICATION OF ELIGIBILITY TO WORK IN THE UNITED STATES

The Immigration Reform and Control Act of 1986 requires the County to verify that all new employees are either U.S. citizens or authorized to work in the United States. New

employees are required to prove their identity and employment eligibility by completing and submitting Employment eligibility Form I-9, and presenting documentation establishing identity, to the Bureau of Human Resources within 3 working days of his/her hiring date.

1.18 ORIENTATION OF NEW EMPLOYEES

It is important to the County to have well-informed employees who know what is expected of them, what benefits they are entitled to, and what rules they are to follow. New employee orientation is intended as a means for achieving this objective.

PROCEDURE:

1. On their first day of employment, all new employees will be required to report to the Bureau of Human Resources for a general orientation to County employment. New employee orientation typically takes one hour to complete. The employee should bring two acceptable forms of identification with him/her at the time of orientation.
2. At this time, the employee will be required to complete various forms and review County policy, including: County Personnel Manual, Employment Eligibility Verification (I-9), Federal and State Withholding, New York State Retirement, Health, Dental, and Vision Enrollment, Financial Disclosure and Code of Ethics Legislation and Computer Acceptable Use Policy. The employee shall acknowledge receipt of these materials in writing, with the receipt placed in the employee's Personnel File.
3. During the orientation, the Department Head or his/her designee will explain specific departmental rules and policies, including timekeeping procedures.

1.19 PROBATIONARY PERIOD

The probationary period is the single most important tool that the County has available in determining the suitability of new employees for long term employment. During the probationary period, actual on-the-job performance can be evaluated in terms of the standards of the position and a decision made whether the employee should be granted permanent status. All newly hired permanent or promoted employees are to serve a probationary term in accordance with Civil Service Law and the Labor Agreement. (Provisional employees do not serve a probationary period.) The length of the probationary term may vary. However, as a general rule, no newly hired or promoted employee should be granted permanent status until they have completed the maximum probationary term allowed. Conversely, although new employees should be given every opportunity to prove themselves, they should not be carried along to the end of the probationary period if it is obvious that they cannot perform the duties of the job. Doing so is unfair to the employees since it raises false expectations that they will be granted permanent status. It also increases the County's liability with respect to the payment of unemployment insurance benefits if the employee is terminated for inability to adequately perform the duties of the job.

PROCEDURE:

New Employees - Competitive Class

1. Competitive class employees will automatically serve a full probationary period of 26 weeks.
2. A formal written evaluation of the probationary employee's performance will be prepared at the end of the 6th, 16th, and 24th week.
3. If at the end of the probationary term, the new employee is found to be satisfactory, the following occurs:
 - a. The employee becomes eligible to receive the grade rate for the position involved.
 - b. If the employee was appointed probationary from a Civil Service Eligible List, he or she achieves permanent Civil Service status.

In either case, a Report of Personnel Change Form must be submitted denoting a salary change and any change in Civil Service status.

4. An employee who becomes eligible for a permanent appointment following provisional service must still serve a minimum probationary term of eight weeks following appointment from an approved list. After 8 weeks, such an employee may be granted permanent Civil Service Status.
5. If at any time following the 8th week of employment and prior to the 26th week, the Department Head determines that the employee cannot adequately perform the duties of the job, the employee should be terminated and the Probationary Report filed with the Civil Service Commission.

New Employees - Non Competitive and Labor Class

All of the procedures listed above apply to non-competitive and labor class employees with the following differences:

1. Upon written approval of the Assistant for Labor Relations and Personnel, the maximum probationary term may be extended from 26 to 39 weeks.
2. If at the end of the probationary term, the new employee is found to be satisfactory, he or she becomes eligible to receive the grade rate for the position and is also granted tenure in accordance with the Labor Agreement.
3. Probationary Reports need not be submitted. However, evaluations must be completed and must include a determination as to whether a probationary employee should be continued.

Promotions and Transfers

1. The Rensselaer County Civil Service Commission has a specific rule covering the establishment of a probationary term for employees who are transferred or promoted. It states, "Every promotion and every interdepartmental transfer shall be for a probationary term of twelve (12) weeks."

This should be interpreted exactly as written. The minimum and maximum probationary is exactly 12 weeks. This term may not be diminished or extended. This rule applies to all competitive and non-competitive personnel.

2. During the 12 week probationary term, the previous position of a permanent competitive or non-competitive employee may only be filled on a temporary or contingent permanent basis. The promoted or transferred employee retains the right to return to his/her previous position until successful completion of the 12 week probationary term in the new position.

1.20 PAYROLL / PAYROLL DEDUCTIONS

All County employees are paid through regular payroll checks on a biweekly basis. Employees may elect to have direct deposit(s) at any designated participating bank or credit union.

The County is required by law to make certain deductions from your pay each period, including: federal and state income taxes; social security (FICA) taxes; deductions required by wage garnishment or child support orders; and deductions required by collective bargaining agreement, such as union dues. The County may also deduct from your pay your portion of health and/or dental insurance premiums. All deductions from your pay will be identified on your pay stub. If you have questions about any deductions from your pay or if you believe improper deductions have been made, you should report your concern to the Finance Department immediately.

With the exception of certain titles and positions, Rensselaer County shall deduct from the wages of employee and remit to the proper Union for which that unit is covered, regular membership dues or fees and other authorized deductions for those employees who have signed the appropriate deduction authorization(s) permitting such deduction. Both deduction authorization and withdrawal of such authorization must be in writing.

1.21 TIMEKEEPING

The County is required to keep accurate records of employees' working hours to: (i) meet requirements under federal and state law; (ii) ensure accurate payment of wages; and (iii) adjust employees' accrued leave balances and other benefit accounts dependent on employees' earnings or hours worked. Accordingly, all employees must keep accurate records of their working hours and report those hours as required by this policy.

PROCEDURE:

1. All County employees shall utilize the County's electronic sign-in and sign-out procedure.
2. Only an employee may sign him/herself in or out. Any employee signing someone else in or out will be subject to disciplinary procedures.
3. Employees must sign-in and sign-out whenever leaving the building or workplace for non-work-related reasons. Personal time must be indicated when said time is not for official business.
4. Department Heads, or their designee, shall verify their department personnel's time records for the appropriate entries and forward the time records to the County's Finance Department.
5. A member of the County's Finance Department will review said time records for completion. The Finance Department will contact the respective employee or Department Head should any questions arise.
6. Should an employee fail to properly sign in or out, it is his/her responsibility to inform her/his supervisor to rectify any errors.
7. When County employees use electronic sign-in, sign-out procedures, arriving early or leaving late for the employee's own convenience is not to be included as "working time." However, in instances where the employee is requested by the Department Head or Deputy Department Head to arrive early or leave late and provided that the employee performs authorized or specified duties for the County during such intervals this provision shall not apply.

1.22 SAFE HARBOR POLICY

It is the County's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

Please review your pay record(s). We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any question, you should report your concern to the Finance Department immediately.

1.23 EMPLOYMENT OF MINORS

The County recognizes that there are benefits for minors younger than 18 years of age who work, such as increasing vocational skills. The County complies with all applicable federal and state laws and regulations regarding the employment of minors.

1.24 EMPLOYMENT OF RELATIVES

The hiring of relatives is prohibited if their employment results in creating a supervisor/subordinate relationship between a relative and an employee. For purposes of this Policy, a relative is someone related by blood, marriage, or any other relationship which may be construed to have similarities to either blood or marital relationships, i.e., adoption, guardianship, etc.

Relatives of a currently employed worker cannot be considered as applicants for an open position if a direct supervisory or managerial relationship would be established upon hiring of the relative. A Department Head who intends to employ a relative of an existing County employee in a position that will not result in a direct supervisory or managerial relationship between the two individuals is required to certify to the Director of Personnel (in writing) that this Policy will not be violated by such appointment. The Bureau of Human Resources will provide a form to be completed by all interviewed candidates asking about relatives employed by the County. The Bureau of Human Resources will keep the form in the applicant's file. It will also keep the form on those not recommended for hire. At no time may a commitment for the employment of a relative be made by a Department Head until approval is received from Bureau of Human Resources.

Employees are expected to disclose relationships covered by this Policy whenever they come into existence. Failure to provide such information will result in discipline. Where relationships evolve between two previously unrelated employees (i.e., marriage) working in the same department, the Department Head is expected to consider personnel or organizational changes which would ensure that a supervisory relationship does not exist between the two employees, and to provide for different work locations/unit assignments if possible. All practical efforts will be made to arrange such a transfer at the earliest possible time. While the County will consider requests for a transfer or change in work assignments or responsibilities, it reserves the right to take whatever action it considers necessary to resolve a real or perceived violation of this policy. If a transfer is not feasible, the employees will be allowed to decide which individual resigns.

It is essential that this policy is applied in a manner that complies with equal opportunity laws and policies. Therefore, Department Heads must ensure that personnel decisions based on this policy are applied in a gender-neutral fashion. Please consult with the Director of Human Resources where situations exist which you believe violate the intent and/or spirit of this policy.

1.25 LAYOFF AND RECALL POLICY

A layoff is the discontinuance of employment for any period of time. Reasons for layoff may be related to unavailability of work, discontinuance of service, or related to economic conditions. Changing situations may vary the reasons and the need for layoff of personnel. In the

event the County does exercise its layoff rights, the County will attempt to advise a laid off employee when and under what conditions the employee would be returned to work should such information be available to the Assistant for Labor Relations.

In the event of layoff or the possibility of layoff, the County will attempt to give some advance notice.

Competitive Employees – Layoff and recall will be in accordance with County and State Civil Service Laws, Rules and Regulations.

Labor and Non-Competitive Classes – Layoff and recall will be based on seniority as specified in the labor agreement between the parties, if applicable. Recall will also be based on the provisions of the Civil Service Law and the Labor Agreements, if applicable.

PROCEDURE:

As specified in the Civil Service Law, Rules and Regulations and the Collective Bargaining Agreement.

1. All employees who are to be laid off will be given a written notice to that effect. Said notice will contain the date the layoff is to commence.
2. Said notice will also explain the procedure that the County will use in instituting recall.
3. All determinations for both layoff and recall which use seniority as a determinant of that order of layoff and recall will be based on the date of hire (rather than date of commencement of service in computing time of service). This shall be based on the date of last hire of continued uninterrupted service.

Recall will be based on the principle of “last layoff – first right of recall” within job classification and within time limits as specified by Civil Service Law and the Labor Agreement. This procedure is confined strictly within department and not on a County-wide basis.

1.26 DISMISSAL OF EMPLOYEES POLICY

It is the policy of Rensselaer County to avoid unnecessary dismissals. The County does intend that its rules and policies and those of its various departments be enforced consistently and fairly. When an employee continues to pay no attention to rules and disciplinary action, where an offense is repeated, or misconduct is serious enough for discharge on the first offense, forceful action should be taken. Department Heads and supervisors are reminded that every employee represents an investment by the County in time and money. Before moving for dismissal of an employee in your department, consider the procedures herein.

PROCEDURE:

1. New York State Civil Service Law, Rules and Regulations will govern the dismissal of employees. The dismissal of most County employees will be

controlled by procedures to be found in Section 75 and Section 76 of the Civil Service Law and/or collective bargaining agreements.

2. Before the termination of any employee, the Supervisor and/or Department Head should consider the following:
 - a. If the dismissal is a result of a violation of Department rules, regulations or policies, the Department Head or Supervisor should determine:
 - i. Is the Departmental rule a reasonable one?
 - ii. Was this rule communicated to the employee?
 - iii. Has this employee been treated objectively? Has he been treated the same as another employee for the same offense?
 - iv. Have all the facts been ascertained and is investigation of the incident complete?
 - v. If this is a repeat offense, has the employee been properly disciplined in the past (oral reprimand, written reprimand, suspension)?
 - vi. Does the punishment of dismissal fit the offense?
 - vii. Has the Assistant for Labor Relations and Personnel reviewed the facts and approved the dismissal?
 - viii. Has the value of service rendered and length of the employee's service been considered in coming to the conclusion to dismiss?

DISMISSAL (GROUNDS)

The County of Rensselaer believes that an employee should be dismissed when the Department Head feels sufficient grounds for such action exists and consistent with the County Policy (op. city. While no one can predict the various special circumstances, which constitute grounds for a specific dismissal, some of the following would seem to be basics:

1. In general, the dereliction or neglect of duty, or incapacity to perform the duties.
2. A conflict of interest in which as a result of his/her position in the County the employee utilizes that position for outside gain.
3. Failure to report to work.
4. False statements or reports.
5. Illegal Appointment.

6. Incompetency.
7. Insubordination which constitutes intentional, willful disobedience.
8. Intoxication while on duty and intoxication contributing to neglect of duty and absence from duty.
9. Physical or Mental incapacity when such physical or mental factors interfere with, impact upon, or otherwise make an employee unable to perform fully and completely his/her job or position.
10. Violation of rules and regulations. It is to be clearly understood by all Department Heads and Supervisors that the dismissal of employees for minor offenses is not favored. Further, the above list of grounds is not exhaustive nor is it mandatory to proceed with dismissal on these grounds. A Supervisor and Department Head have discretion to utilize a lesser penalty.

However, it is the policy of the County that disciplinary measures be taken by Supervising Personnel when any of the above occur in his/her department.

PROCEDURE:

1. When a Supervisor is aware of an incident, event or occurrence which he considers grounds for dismissal, he should notify his/her Department Head who will notify the Director of Human Resources.
2. No decision to dismiss will be made without the approval of the Director of Human Resources. Department Heads and Supervisors may suspend employees on their own authority pending investigation and reporting of the incident to the Director of Human Resources.
3. Whenever a Supervisor or Department Head suspends an employee pending a hearing for dismissal, he/she shall file a written report with the Director of Human Resources within 24 hours of the suspension. Such report shall include the following:
 - a. Name of Employee
 - b. Department — Length of Service
 - c. Date of Incident or Occurrence
 - d. Time of Incident or Occurrence (if know)
 - e. Nature of Problem
 - f. Did Supervisor or Department Head witness the events?
 - g. Names of witnesses (if any)

- h. Has this type of incident occurred before?
- i. Employee's prior work record
- j. Reason for Suspension (Seriousness of Incident)
- k. Recommendation for further action (if any) by Supervisor or Department Head

1.27 DISMISSAL PROCEDURES

While the County of Rensselaer considers dismissal of an employee to be a matter not to be taken lightly, the County reserves the right to exercise its authority to dismiss employees in accordance with Civil Service Law, the Agreements with the Labor Organizations, and good management practices. It shall be the policy of the County to consider dismissal a procedure to be taken as a last resort unless the situation or action of the employee is of such nature as to warrant immediate removal.

PROCEDURE:

1. All employees whether governed by Section 75 procedures of the Civil Service Law or not are to be given their termination notices in writing.
2. No one is to be terminated without consultation with the Director of Human Resources.
3. In the event an individual is under the provisions of Section 75 of the Civil Service Law, those procedures are to be followed explicitly. They are:
 - a. The individual is to have written notice of the action. This notice is to contain the reasons for the dismissal.
 - b. The individual is to be given a copy of the charges preferred against him/her.
 - c. The employee is allowed eight days to answer charges in writing.
 - d. The employee is entitled to a hearing.
4. Hearings Under Section 75
 - a. Hearing Officer will appoint be appointed by the Appointing Authority. The firm Harris Beach shall represent the County in said proceedings.
 - b. Since the burden of proving the charges rests with the charging party, the Supervisor or other charging party shall meet with the Director of Human Resources at least 10 days prior to the hearing to fully develop the case against the employee.

5. All lists of charges preferred against an employee are to be developed with the assistance of the Director of Human Resources.

1.28 GRIEVANCE PROCEDURES

A clear and open channel for the expression of employee complaints is available to all County employees either through the grievance procedure to be found in the labor agreements or in the grievance procedure found in the General Municipal Law (16) available to all County employees whether represented or not represented in bargaining. It is the policy of the County that each Department Head and Supervisor adhere strictly to the procedure. This is especially important with regard to time limits as specified.

It is recommended as a matter of policy that an employee discuss his problems or complaints with his/her immediate Supervisor or Department Head before they become formal grievances. Supervisors and Department Heads should listen carefully and if possible settle the complaint.

If a complaint is beyond the authority of the Supervisor he/she should refer the complaint to the Department Head. The immediate Supervisor should determine whether or not the employee is filing a grievance at this point so that the proper procedures can be followed.

It is important that when an employee identifies that he is initiating a grievance, the Director of Human Resources be informed at once. The County believes it is of paramount importance to preserve the authority and respect of the immediate supervisor and to uphold his/her decision. Should the immediate Supervisor render a decision, which is contrary to County policy and if that decision has to be reviewed, the Department Head should go over the situation and explain why a new decision is necessary. If possible, the person who rendered the decision should be given the chance to reverse himself/herself to avoid management disruption. The same procedure should be followed at each step of the procedure. It is expected that no decisions will be rendered in grievances without prior consultation with the Director of Human Resources and a representative of Harris Beach.

PROCEDURE:

1. Procedure to be followed as stated in Section 26 when grievances arise under the Labor Agreement.
2. Procedure to be followed when General Municipal Law is used as in Appendix A.

1.29 TERMINATIONS

Whenever an employee leaves his/her employment with the County, a termination occurs. Each such termination should be adequately documented through use of a Termination Letter and, where possible, through the Exit Interview Process. (See **Appendix E**).

Documentation allows us to analyze why employees leave and to control our unemployment costs.

PROCEDURE:

The Termination Form must be completed and submitted with the Report of Personnel Change Form whenever an employee leaves his/her position with the County.

Where possible, the Exit Interview Process described in **Appendix E** should be administered.

1.30 SEPARABILITY CLAUSE

It is the policy of the County of Rensselaer that all of its activities, processes, and procedures as well as rules and regulations are to be within the bounds of Federal, State, and Local Laws. In accordance with that desire the County adopts the following general policy:

In the event that any policy, rule, regulations, procedure or other requirement of the County shall be found contrary to law, such policy, rule, regulation, procedure or requirement will not be deemed to be valid and subsisting except to the extent permitted by law. In the event any item is found to be contrary to law the County will take such action as it deems necessary to correct the deficiency.

PROCEDURE:

In the event it is brought to the attention of the County through its Department Heads or Assistant for Labor Relations and Personnel that any item is contrary to law, the following procedure will be as follows:

1. If such objection is raised to a Department Head he shall inform the Assistant for Labor Relations and Personnel of the exact nature of the complaint or objection.
2. The Assistant for Labor Relations and Personnel shall advise the County Attorney of the complaint or objection and ask the County Attorney for a written opinion.
3. Should the County Attorney advise or find that the complaint or objection is valid the Assistant for Labor Relations and Personnel shall advise all Department Heads and Supervisors of the finding. He will also describe the new procedure to be followed in place of that invalid policy, rule, regulation, or procedure.
4. A new policy, rule, regulation, procedure, or process will be developed to fill the void only if it is deemed necessary.

1.31 UNION MEMBERSHIP, GENERALLY

In accordance with the Public Employees Fair Employment Act, and by County policy, union membership is not a job requirement. However, because many of our employees are members of a union, it is the objective of the County to establish a consistent labor relations policy in the County. The purpose of this policy is to develop a sound working relationship with the unions. The basis of this labor relations policy is consistency and fairness to all employees. The County and departments will, however, at all times maintain management's right to manage.

PROCEDURE:

1. Department Heads and Supervisors will document in writing all decisions connected with the administration of the present labor agreement. The written decision should be released only after consultation with the Director of Human Resources and the County Attorney.
2. All County representatives are to administer County policy in a consistent manner with regard to established procedures.

1.32 UNION DUES DEDUCTION

Union dues are a regular payment of money made by members of unions. All of the unions representing County employees require their members to pay dues. Union dues may not be collected from non-union members. If you are a union member and you agree to pay union dues, the union will require the County to deduct the dues from your paycheck in each payroll. County payroll is bi-weekly. With employee specific authorization, union dues are deducted automatically out of an employee's bi-weekly paycheck.

The union sets the amount of the dues. The County has no involvement with the union dues amounts or rules related to union dues authorization. Dues payments have nothing to do with the County or your job at the County, nor are dues or union membership in any way required by the County. Dues are the cost of union membership; they are used to fund the various activities which the union engages in. Please see **Appendix M** for a more detailed explanation of your legal rights to not join or to join a union.

1.33 SOLICITATION AND DISTRIBUTION

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on "working time." "Working time" is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after his or her shift as the time an employee is engaged or should be engaged in performing his or her work tasks.

PROCEDURE:

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in "working areas," which includes all office areas. "Working areas" do not include break rooms, parking lots, or waiting areas.

Non-employees may not trespass or solicit or distribute materials anywhere on County property at any time. Solicitation or distribution of any kind by non-employees on County premises is prohibited at all times.

Violations of this policy should be reported to your supervisor.

1.34 COUNTY CLOSING OF COUNTY OFFICES

When the County closes the County Office Building or other County Departments because of inclement weather conditions or other conditions, employees who are designated by the Department Heads as non-critical at the time of the closing will be permitted to leave work and will be paid for the remainder of the work shift. Employees who are designated by Department Heads as critical must remain at work. Employees who are told not to report to work will be paid for one shift if they are scheduled to work on the day that the weather or other County begins.

When employees are permitted to leave work, Department Heads will be notified by a combination of email, phone call (office or cell), or text messaging. When such notification is made, any questions should be directed to the Bureau of Human Resources.

Public Notices regarding the closing of any County office will be made only through the County Supervisor's Office. Public announcements regarding the closing of County offices will be made on the website and possibly through other media.

SECTION II

WORK RULES AND EMPLOYEE CONDUCT

2.1 ATTENDANCE

The County requires regular and punctual attendance from all employees. Employees who are going to be absent for a full or partial work day or late for work must notify their supervisor and/or the Department Head as far in advance as possible, and in accordance with the procedures established by their department.

Absences and tardiness will be considered excused if the employee requested the time off in accordance with the County's policies on paid time off, received the required approval for the absence, and has sufficient accrued, but unused, time to cover the absence. Absences also will be considered excused if the employee requested the time off in accordance with the County's policy permitting a leave of absence, received the required approval for the leave, and is in compliance with the leave policy.

An employee will be considered to have taken an unexcused absence if the employee is absent from work during scheduled work hours without permission, including full or partial day absences, late arrivals, and early departures. The Department Head and/or his/her designee is responsible for maintaining accurate attendance records.

Absences and tardiness will be disciplined in accordance with the Rensselaer County Work Rules (see below).

2.2 HOURS OF WORK

Rensselaer County employs individuals who are covered by Collective Bargaining Agreements and individuals who are classified as Management/Confidential and, as a result, are exempt from the provisions of the Collective Bargaining Agreements. Those employees who are members of the Collective Bargaining Agreement are subject to the terms and conditions contained therein except to the extent that the Rensselaer County Personal Policy Manual dictates employee(s) conduct. Rensselaer County has determined that full-time employees who are classified as Management/Confidential are expected to work either forty (40) or thirty-five (35) hours per week, determined at the outset of the respective employee's employment. Those employees who are classified as Management/Confidential and are less-than-full-time employees are expected to work more than seventeen and one-half (17 1/2) and up to and including thirty (30) hours per week, as determined at the outset of the respective employee's employment. Those employees who are classified as Management/Confidential and are designated part-time employees are expected to work up to and including seventeen and one-half (17 1/2) hours per week, as determined at the outset of the respective employee's employment.

PROCEDURE:

1. Department and Deputy Department Heads are considered full-time executive employees, in accord with the definition provided for in the Federal Fair Labor Standards Act, and are expected, in order to perform the duties assigned to them, to work a minimum of thirty-five (35) hours per week.
2. Each Department Head is allowed, if applicable and if budgetary approval has been obtained, to appoint an executive administrative assistant employee, in

accord with the definition provided for in the Federal Fair Labor Standards Act, and the executive administrative assistant employee are expected, in order to perform the duties assigned to them, to work a minimum of thirty-five (35) hours per week.

3. Department Heads, Deputy Department Heads and executive administrative assistant employees are required to account for their hours of employment on a monthly basis. While it is recognized that Department Heads, Deputy Department Heads and executive administrative assistant employees, in order to perform the duties assigned to them, each work in excess of thirty-five (35) hours per week, it is incumbent on the County to keep records of each employee's hours of work for purposes of compensation, retirement and other important reasons. Thus, Department Heads, Deputy Department Heads and executive administrative assistant employees shall submit to the Director of Human Resources, on the 15th of the following month, a statement that in performing the duties assigned to them they worked at least thirty five (35) hours per week, less specified hours of sick leave and/or vacation and/or personal hours as utilized the previous month.
4. Each Department Head may elect to designate an employee under his/her control, other than those specifically designated above, who may utilize the above-described manner of keeping track of hours worked. In order for the above-described method to be employed, the Department Head must determine that it would be more efficient and productive to implement said time keeping method. For instance, an employee may not work at one location, may work irregular hours, or may work for more than one department. The Department Head who makes such an election must determine, in an applicable case, which department the employee's time must be allocated and budgeted. For each so designated employee, the respective Department Head, or designee, shall forward a memorandum of such designation to the Director of Human Resources. In electing such designation, no employee who is not exempt from the Federal Fair Labor Standards Act may be so designated.
5. The Director of Human Resources shall file and retain said records, including an election for alternative time keeping method, for the time frame mandated by New York State law or, if applicable, by Federal law.
6. All other employees shall utilize the electronic sign-in and sign-out procedure as in effect in the County.
7. When County employees use sign-in, sign-out procedures, only the employee may sign himself/herself in or out. Any employee signing someone else in or out will be subject to disciplinary procedures.
8. County employees are required to use sign-in, sign-out procedures when leaving the building or workplace during a work period, for non-work-related reasons. Personal time must be indicated when said time is not for official business.

9. Signing in late or out earlier than the shift change will be charged against vacation, personal or sick time, as applicable, or against payroll.
10. Department Heads, or their designee, shall verify their department personnel's electronic time entries for the appropriate entries and forward the time records to the Director of Human Resources.
11. The Director of Human Resources, or designee, shall review said time sheets or Time Cards for completion. The Director of Human Resources, or designee, shall contact the respective employee or Department Head should any questions arise.
12. Should an employee fail to properly sign in or out, it is his/her responsibility to inform her/his supervisor to rectify any errors.
13. When County employees use sign-in, sign-out procedures arriving early or leaving late for the employee's own convenience is not to be included as "working time." However, in instances where the employee is requested by the Department Head or Deputy Department Head to arrive early or leave late and provided that the employee performs authorized or specified duties for the County during such intervals this provision shall not apply.

2.3 COUNTY WORK RULES

County employees are expected to conduct themselves in a professional manner at all times. Employees must follow all policies and procedures of the County, including these Work Rules, all work rules applicable to the specific County department in which they are employed, as well as all other laws, rules and regulations that apply to their public employment. Violations of any County policy or procedure may lead to disciplinary action, which, based on the circumstances of the individual case, could result in corrective action up to and including discharge.

Consistent with the County's Progressive Discipline Policy, the County may consider an employee's job performance, prior violation of County Work Rules or this Standards of Conduct Policy, and other relevant circumstances when issuing discipline.

RENSELAER COUNTY WORK RULES

	Violation	1st Offense	2nd Offense	3rd Offense	4th and/or Repeated Offense
1	Failure to report to work without notifying your supervisor in accordance with departmental policy.	oral warning	written warning	suspension	discharge
2	Failure to report to work following the expiration of an approved leave without authorization.	written warning	suspension	discharge	
3	Unauthorized absence(s) which include: a) absence which has not been approved in advance by the supervisor; b) absence which has not been excused for County or medical reasons; c) absence for reason other than that specified in the authorization.	oral warning	oral warning	written warning	suspension— review for discharge
4	Absence for which leave has been disapproved or withdrawn.	suspension— review for discharge			
5	Unauthorized extension of rest breaks or lunch periods.	oral warning	oral warning	written warning	suspension— review for discharge
6	Tardiness.	oral warning	oral warning	written warning	suspension— review for discharge
7	Engaging in any conduct which may result in safety hazard or unsanitary condition.	oral warning	written warning	suspension	discharge
8	Incompetency or inability to perform assigned work.	oral warning	written warning re-evaluation, possible re-assignment or demotion	discharge	
9	Neglect of job duties or responsibilities.	oral warning	written warning	suspension— review for discharge	
10	Sleeping or wasting time during working hours.	oral warning	oral warning	written warning	suspension— review for discharge
11	Discourteous treatment of the public or any other conduct which does not merit the public trust.	oral warning	written warning	suspension	discharge
12	Vending, soliciting, collection contributions or circulating literature for any purpose during working hours without prior authorization.	oral warning	written warning	suspension	discharge
13	Stopping work or leaving work area before specified quitting time without authorization.	written warning	suspension	discharge	
14	Signing or punching in or out for another employee.	written warning	discharge		
15	Failure to follow job instructions, directions, or departmental procedures or policies.	oral warning	written warning	suspension— review for discharge	
16	Conducting personal business during working hours, using County property, or materials, or equipment for personal use.	oral warning	written warning	suspension	discharge
17	Transporting, picking up or delivering unauthorized passengers, or use of County vehicles for personal business.	written warning	suspension	discharge	
18	Abusive, profane or threatening language to the supervisor, fellow employees or otherwise threatening, intimidating or coercing other employees.	written warning	suspension	discharge	
19	Fighting or provoking a fight.	suspension— review for discharge			
20	Negligence, carelessness, or willful acts which result in damage to County property or the property of another employee or citizen while on duty.	written warning	suspension	discharge	
21	Unauthorized use and/or removal of County property, records, or any other materials from County premises.	suspension	discharge		
22	Unauthorized possession of firearms, weapons, or explosives on persons and/or County property.	suspension— review for discharge	discharge		
23	Possession of intoxicants on County property.	written warning	suspension	discharge	

24	Working under the influence of intoxicants or drugs (except with a doctor's prescription).	suspension— review for discharge			
25	Selling of drugs and intoxicants on County property.	Discharge			
26	Refusal to follow job instructions. Insubordination.	suspension— review for discharge			
27	Soliciting or accepting any financial or non-financial reward in return for special consideration in the providing of service or awarding of contracts.	suspension— review for discharge			
28	Theft of County property.	suspension— review for discharge			
29	Falsification of County forms or records, including employment application, daily work sheets, and attendance records; willful misrepresentation of facts; forging another's signature.	suspension— review for discharge			
30	Conviction of a crime or engaging in unlawful or improper conduct which: a) affects the employee's ability to perform the job or report to work; b) results in the reluctance or refusal of other employees to work with him/her; c) harms the County's reputation or the public trust.	suspension— review for discharge			

THE PENALTIES NOTED HEREIN, AFTER CONSULTATION WITH THE BUREAU OF HUMAN RESOURCES, MAY BE MODIFIED BY THE DEPARTMENT HEAD OR HIS/HER AUTHORIZED DESIGNEE DEPENDING UPON THE CIRCUMSTANCES SURROUNDING THE SAID VIOLATION OF THE WORK RULE.

EXAMPLE: ORAL WARNING MAY BE MODIFIED AND MOVED DIRECTLY TO DISCHARGE.

PROCEDURE:

1. When a supervisor is aware of an incident, event or occurrence which (s)he considers grounds for dismissal, (s)he should notify his/her Department Head who will notify the Director of Human Resources.
2. No disciplinary decision may be made without the approval of the Director of Human Resources. However, Department Heads and supervisors may suspend employees on their own authority pending investigation and reporting of the incident to the Director of Human Resources where circumstances warrant the employee's immediate suspension from the workplace.

2.4 DISCIPLINARY ACTION

All Rensselaer County departments and agencies should follow the concept of progressive discipline whenever it is necessary to discipline employees. This concept is illustrated in the Rensselaer County Work Rules which list disciplinary actions for particular offenses.

The foundation of any disciplinary program or policy is consistency. Employees can readily accept a program which is fairly and equitable administered on a county-wide basis. However, they cannot accept disciplinary action if they know that others who commit the same offense are not being disciplined.

PROCEDURE:

Whenever it becomes necessary to take disciplinary action, such action should be carefully documented:

1. In the case of oral warnings, the supervisors or department head who issues the warning should briefly summarize the nature of the warning, noting the dates involved, and place the summary in the employee's personal file.
2. In the case of written warnings, the attached Employee Warning Record form should be used to document the incident. The warning should be placed in the employee's personal file with a copy given to the employee.
3. In the case of suspension or discharge, the procedures of Section 75 of the Civil Service Law must normally be followed (see **Addendum A-1**). County employees covered by Section 75 include:
 - a. Employees with a permanent appointment in the competitive class.
 - b. Employees in the non-competitive and labor class who have successfully completed their probationary term in accordance with the Labor Agreement.
 - c. Employees who have not completed the minimum probationary term of eight (8) weeks.

Temporary, provisional and probationary (after 8 weeks) employees are not covered by Section 75 of the Civil Service Law.

2.5 NON-DISCRIMINATION, NON-HARASSMENT, AND ANTI-RETALIATION POLICY

GENERAL

The County prohibits discrimination and harassment on the basis of any protected status, including, but not limited to race, color, religion, creed, sex, sexual orientation, gender identity or expression, national origin, age, marital status, familial status, status as a victim of domestic violence, ancestry, disability, predisposing genetic characteristics, military or veteran status, or status in any other group protected by federal, state, or local law. In addition to this policy, in accordance with State law, the County has implemented a separate Sexual Harassment Prevention policy to help prevent workplace sexual harassment. The County's Sexual Harassment Prevention Policy will be provided to all employees and will be posted prominently in all work locations to the extent practicable. In addition, all employees will receive sexual and other harassment prevention training on an annual basis. Any questions regarding the County's Sexual Harassment Prevention Policy should be directed to the Director of Human Resources or to the County's Compliance Committee.

The County believes that all employees should be provided with a work environment that is free from discriminatory and harassing behavior of any sort. Accordingly, the County forbids and will not tolerate discrimination or harassment by or against employees, applicants, volunteers, vendors, or any other person doing business with the County.

This policy also prohibits retaliation for complaints of discrimination or harassment, complaints of other violations of law or County policy, or for an employee's participation in any investigation conducted by County management/officials or governmental agencies/officers. The County will not tolerate any form of retribution when employees report concerns/complaints. Retaliation/retribution against any employee for complaining about discrimination, harassment, or violations of law or County Policy is strictly prohibited and will result in disciplinary action, up and including termination.

DEFINITIONS/DESCRIPTIONS

The County is committed to a working environment which is free from physical, psychological, or verbal harassment based on legally protected characteristic. Discrimination and harassment can assume many forms. Discrimination may involve a tangible employment action, such as firing, demotion, or denial of promotion, or more subtle changes in working conditions. The term "harassment" includes but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature which alters an employee's work environment or employment status;
- Explicit demands for sexual favors;
- Repeated sexual flirtations;
- Discussing sexual activities;
- Threatening reprisals for an employee's refusal to respond to requests for sexual favors;
- Offensive physical conduct, including touching;
- Unnecessary touching;
- Commenting on physical attributes that are usually private or sexual in nature;
- Displaying sexually suggestive objects or pictures;
- Using demeaning or inappropriate terms that relate to an individual or group's protected status (e.g., race, gender, disability status, religion, etc.);
- Using indecent gestures;
- Engaging in hostile physical contact;

- Offensive verbal conduct such as crude and offensive language with sexual or derogatory overtones on the basis of a protected category;
- Telling off-color jokes;
- Display of offensive pictures, drawings or photographs;
- Offensive written communications, such as, emails, social media posts, text messages, direct messages; and/or
- Offensive remarks, comments, jokes, or slurs pertaining to an individual's race, sex/gender, national origin, religion, age, disability, etc. in any form of communication, including postings online.

The County specifically notes that the above-described conduct constitutes harassment, especially when such conduct has the purpose of affecting or interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It is very important for all persons covered by this policy to understand that harassment will not be tolerated. Harassment takes many forms, for example: male to female; female to male; female to female; or male to male; joking, name-calling, or ridiculing among the same race, religion, and/or national origin or as between different races, religions, and national origins.

If you have any questions about what constitutes discriminatory or harassing behavior or what conduct is otherwise prohibited by this policy, ask your immediate supervisor, or better yet, please talk to the Director of Human Resources.

INDIVIDUALS COVERED BY THIS POLICY

All County employees and officials and any person that works/provides services for the County in any capacity whatsoever are covered by this policy and are prohibited from engaging in any form of discriminatory, harassing, or retaliatory conduct. The County also will not tolerate discrimination or harassment by non-employees toward County personnel, officers, and/or visitors. Non-employees who engage in such discrimination or harassment may be denied access to the County/County facilities.

No member of management has the authority to suggest to any employee or applicant that employment, continued employment, or future advancement will be affected in any way by the individual entering into (or refusing to enter into) any form of a personal/dating/sexual relationship with a member of management.

The prohibitions set forth in this policy apply to all employees, supervisors, co-workers, customers, vendors, agents and any other third party directly or indirectly connected to the County and/or who enters County property. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events. Off-duty conduct of a discriminatory and/or harassing nature that may carry over and/or have a negative effect on coworkers and/or the work environment is also prohibited.

REPORTING COMPLAINTS OF DISCRIMINATION, HARASSMENT AND/OR RETALIATION

Any employee who believes he or she has been discriminated against, harassed, or retaliated against on the basis of race, religion, color, sex, marital status, familial status, pregnancy, disability, sexual orientation, gender identity or expression, age, national origin, ancestry, genetic predisposition, military status, veteran status, status as a victim of domestic violence, or any other protected criteria, must immediately report the incident to his or her supervisor. An employee who observes discrimination, harassment, or retaliation, whether by an employee or non-employee, should immediately report such discrimination, harassment, or retaliation to his/her supervisor, Department Head, or to the Director of Human Resources so that appropriate action may be taken. If the complaining party is uncomfortable approaching his or her supervisor, about his/her concerns, the allegations may be reported to the Department Head or to the Director of Human Resources. The County also utilizes a Discrimination/Harassment Complaint Form that employees must complete when making complaints. See **Appendix B for Complaint Form**.

If your supervisor is the object of the complaint, you should notify the Director of Human Resources. If the Director of Human Resources is the object of the complaint, you should alternatively notify the Department Head and/or the County Attorney directly.

Supervisors must immediately report complaints of discrimination/harassment to the Director of Human Resources or may face discipline. Department Heads, upon first learning of an issue, must **immediately** inform the Director of Human Resources.

Complaints will be investigated pursuant to the County's Discrimination and Harassment Complaint Procedures specified below.

Employees must report any issues immediately. It is integral for the County to know if inappropriate/unlawful conduct is occurring so that the County can promptly investigate and remediate inappropriate behavior. If the County does not know about harassment and discrimination, it cannot do anything to stop it.

This policy is intended to supplement and shall not replace or trump any other anti-retaliation and/or whistleblower policy.

All reports of discrimination, harassment, and/or retaliation will be held in confidence to the extent possible, subject to all applicable laws and public disclosure requirements. Reports may be shared with legal counsel.

False or malicious complaints of harassment, discrimination, and/or retaliation, as opposed to complaints which are not substantiated but are made in good faith, may be subject to appropriate disciplinary action.

Retaliatory behavior against complainants or witnesses who have aided or assisted in the investigation of harassment allegations is strictly prohibited and may also result in disciplinary action.

INVESTIGATION PROCEDURE

All complaints of discrimination, harassment, and retaliation will be promptly, thoroughly, carefully, and impartially investigated in a discreet and confidential manner to the greatest extent possible. Investigations will be conducted by the Director of Human Resources with oversight by the Compliance Committee (to the extent appropriate) and may or may not, include supervisors and Department Heads (to the extent appropriate). Only those persons determined by the County to be reasonably necessary for the investigation and/or resolution of the situation will be involved in the investigatory process. All individuals who participate in the investigation are required and directed to treat the matter with confidentiality and discretion. A violation of this directive is, in itself, a potential ground for disciplinary action.

The County Attorney may appoint a third party who is not involved with the County's day-to-day operations to conduct the investigation.

Both the complaining party and the accused will be informed (in some manner as deemed appropriate by the County) of the investigator's determination and resolution of the complaint, subject to rules and processes surrounding confidentiality of personnel information. If an incident is proven to constitute discrimination, harassment, or retaliation, the offending party will be subject to disciplinary action, up to and including termination of employment. Non-employees may face the limitation or termination of their affiliation with the County or the limitation or denial of their access to its premises/events/activities.

CORRECTIVE ACTION

Employee violators of this policy will be subject to disciplinary action, which may include counseling, a letter of reprimand, suspension without pay, or termination of employment in the County's discretion.

Non-employees who violate this policy may be denied access to County premises and/or events/activities.

Fabricated reports of discrimination, harassment, and/or retaliation constitute an abuse of this policy and are grounds for disciplinary action, up to and including termination of employment or denial of access to County premises and/or events/activities.

NO RETALIATION ALLOWED

Individuals must feel free and comfortable to raise concerns and make reports without fear of reprisal or retaliation. Employees will not be subjected to discrimination, harassment, intimidation, threats, coercion, retaliation, or other adverse employment action because he/she/they have filed a good faith complaint; assisted in an investigation, compliance evaluation, hearing, or any other protected activity; opposed any unlawful act or practice; or exercised any other right protected by law, rule, regulation, or policy.

QUESTIONS ABOUT THIS POLICY

If you have questions regarding this policy or its requirements, you should contact the Director of Human Resources.

The Director of Human Resources and the County Attorney will periodically review the County's personnel practices and procedures to assure compliance with this policy. **Complaint form for Reporting Harassment, Discrimination, and/or Retaliation** is attached as **Appendix B**.

2.6 ACCOMODATION OF INDIVIDUALS WITH DISABILITIES POLICY

Rensselaer County complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, the New York Human Rights Law, and all applicable state and local laws. Consistent with those requirements, the County will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

The County is committed to providing equal employment opportunities to qualified individuals with disabilities. This commitment includes making reasonable accommodation to qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless to do so poses an undue hardship or a direct threat to health or safety.

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job in question with or without reasonable accommodation. The term disability is defined by applicable law.

Reasonable accommodation is any change or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship for the County or create a direct threat to health or safety.

Employees with physical or mental health conditions that may qualify as disabilities as defined by law should make the Director of Human Resources aware of their need for an accommodation as soon as it arises. The County will work with each individual to define their job-related needs and to try to reasonably accommodate those needs. Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. While an employee may recommend a specific accommodation, the ultimate decision as to whether a particular accommodation will be made rests with the County. If more than one accommodation will enable the individual to perform his/her job, the County reserves the right to choose which accommodation it will make. At times, the County may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals. The County will never seek genetic information in connection with requests for accommodation. All medical information received by the County in connection with a request for accommodation will be treated as confidential.

The County's commitment to this policy includes making reasonable accommodation to persons with disabilities, to enable them to perform the essential functions of their jobs, unless to do so would pose an undue hardship for the County or a direct threat to health or safety.

If you have questions regarding this policy or its requirements or if you believe you need an accommodation, contact the Bureau of Human Resources.

The Director of Human Resources and the County Attorney will periodically review the County's personnel practices and procedures to assure compliance with this policy.

2.7 SEXUAL HARASSMENT PREVENTION

INTRODUCTION

The County 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 County's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ 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 County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

NON-HARASSMENT RULES

1. This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the County. 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 County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the County 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

¹ While this Policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history. (Refer to the County's Non-Harassment Policy).

non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Director of Human Resources. 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 County 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 County 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 County 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 County 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 the Director of Human Resources.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy will be provided to all employees, will be provided to employees upon hiring, and will be posted prominently in all work locations to the extent practicable.

WHAT IS “SEXUAL HARASSMENT”?

Sexual harassment is a form of sex discrimination and is unlawful under federal and state 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:

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

- 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 and state 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 County 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 the Director of Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Director of Human Resources.

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 the Director of Human Resources.

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 County 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 will be done by the Director of Human Resources or his/her designee in cooperation and consultation with the County's Compliance Committee. The Committee will provide oversight of all complaints and investigations.

The following steps will be taken by the Director of Human Resources or his/her designee when conducting the investigation:

- 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 the complaint is verbal, the employee will be encouraged to complete the "Complaint Form" in writing. If he or she refuses, the Director of Human Resources or his/her designee will 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 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 County but is also prohibited by state and federal law. Aside from the internal process at the County, 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.

New York State Human Rights Law (HRL)

The 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 County 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 or city in which they live to find out if such a law exists.

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.

2.8 EMPLOYEE EVALUATIONS

It is the policy of Rensselaer County that all departments actively engage in the regular evaluation of personnel to maintain the maximum in job performance. The County recognizes that due to the diversity of services and departments within the County, it is difficult to design an appraisal form perfectly suited to all types of employment. Nevertheless, in fairness to its employees, the County takes a consistent and uniform approach in evaluating work performance.

PROCEDURE:

1. Every non-probationary employee will be formally evaluated on an annual basis. (Probationary employees will be evaluated regularly throughout their probationary period.) The evaluation will be completed by the employee's direct supervisor, and the Department Head must review and sign-off on the evaluation form. All evaluations should be made in triplicate and signed by the employee.
2. Each Department will submit annually to the Director of Human Resources the original Performance Appraisal Form completed for each employee, with a copy for the Department and a copy for the employee.
3. During the Probationary period of all employees, the Supervisor or Department Head should conduct several written evaluations. A determination as to whether a probationary employee is going to be continued in the probationary term, granted permanent status or terminated will rest on the results of these evaluations. A copy of evaluation reports for probationers need not be filed with the Bureau of Human Resources.

2.9 WHAT THE PERFORMANCE APPRAISAL SYSTEM DOES

FOR THE COUNTY

1. Measures the overall effectiveness of staff in terms of the department's programs and goals by providing a profile of group performance.
2. Serves as a check on recruitment and hiring practices.
3. Enables the department head to pinpoint weak spots in the department by revealing problem areas, e.g., training, supervision, discipline, staffing, etc.
4. Helps to evaluate supervisory ability. Many employee problems are really supervisory problems. A performance appraisal system helps to identify the supervisor who has difficulty in communicating with his subordinates and is unwilling to criticize or praise them.

5. Identifies employees with supervisory and leadership potential.
6. Improves work performance by ensuring that both supervisors and employees really know what the employee is supposed to be doing: Don't assume that every employee knows his job and its priorities. He may have been improperly trained when he started to work, or the job may have changed.
7. Identifies training needs: Common weaknesses in employee performance may point up the need for new or modified training programs.

FOR THE SUPERVISOR

1. Serves as a basis for constructive discussion with the employee of how well he is measuring up to his job: Many supervisors find it difficult to initiate a discussion with the employee about his work performance. The formal performance appraisal plan makes it easier to approach the employee by requiring the interview as part of an impersonal system.
2. Helps to head off serious disciplinary problems by nipping them in the bud: Many disciplinary problems come about because an employee's performance is allowed to gradually deteriorate until it reaches the point of no return.
3. Forces the supervisor to periodically consider each employee in terms of his job performance: Supervisors often become so bogged down in the day-to-day routine that they will not take the time to evaluate.
4. Gives the supervisor a stronger role in personnel management: The appraisal interview reminds both the employee and his supervisor that the supervisor is management's link with the work force. It strengthens the bond between the supervisor and the employee.
5. Encourages communication between the supervisor and the employee.

FOR THE EMPLOYEE

1. Let him/her know how well he/she is doing, what his/her strengths and weaknesses are on the job: Contrary to popular belief, the poor employee does not always know that he/she is a poor employee. He/she may be a good employee by his standards because his standards may not relate to true job standards.
2. Improves morale by letting the employee know where he/she stands: One of the chief causes of poor morale is employee uncertainty as to just what he /she is supposed to be doing and how well he/she is doing it.
3. Recognizes good work: A frequent complaint of employees is the failure of supervisors to say thanks. The performance appraisal is an opportunity for the supervisor to express approval and appreciation.

4. Serves as a warning to below-standard employees: An employee whose performance does not meet recognized job standards should be informed as soon as possible and given a chance to improve before sub-standard performance becomes a habit. Furthermore, the employee is entitled to be told if his performance does not meet standards. The employee who is allowed to do half a job for an extended period without comment by his supervisor may come to honestly believe that his/her performance is satisfactory.

2.10 RESPONSIBILITY OF SUPERVISORS TO DEPARTMENT HEADS

Every supervisor in Rensselaer County has several responsibilities. One important area is their responsibility to the Department Head. It is the policy of the County that the relationship between supervisors and Department Heads be examined periodically. Some of the duties and responsibilities of a supervisor to his/her Department Head are as follows:

1. Cooperate with the Department Head and carry out his/her orders and instructions in detail.
2. Ensure that the employees under his/her supervision clearly understand the day to day rules and regulations and operations of the Department.
3. Identify more efficient ways of performing a specific task.

PROCEDURE:

As with non-supervisory employees, the job performance of supervisors will be reviewed on an on-going basis. Department Heads will conduct formal written evaluations at regular intervals.

2.11 SUPERVISION OF DEPARTMENT OFFICES

The supervision and management of each Department and the facilities attached to or pertaining to the Department are under the direct supervision of the Department Head. It is the County's policy that any determinations dealing with the use of Department facilities, use of conference rooms, and access to Department documents are to be made by the Department Head and, where necessary, in consultation with the Bureau of Human Resources.

PROCEDURE:

1. The Department Heads, where appropriate, should develop a written procedure within the department explaining clearly to staff the implementation of the above policy.
2. The Department Head is asked to file a copy of his/her rules pertaining to the above with the Director of Human Resources so that his/her office is familiar with each department's operation.

2.12 OUTSIDE EMPLOYMENT

The County recognizes that some employees may want to engage in outside employment and other activities, including second jobs, consulting engagements, self-employment, and volunteer activities.

PROCEDURE:

The following rules and guidelines relating to outside employment by employees:

1. Before beginning outside employment, employees must obtain advance written approval for the outside employment from their Department Head.
2. Outside employment must not interfere with the employee's work performance or work schedule.
3. Employees may not use County property, facilities, equipment, supplies, IT systems (such as computers, networks, email, telephones, or voicemail), and time in connection with any outside employment.

2.13 OPEN DOOR/DISPUTE RESOLUTION PROCEDURE

Employees are encouraged to discuss any work-related problem or dispute with management, and the County promises that no retaliation will be taken for using this procedure. The following procedure, however, is not intended to replace the County's procedures for filing discrimination or sexual harassment complaints.

PROCEDURE:

Employees are encouraged to discuss any work-related problem with management at any time. In most cases, employees should talk to their immediate supervisor first. If an employee is not satisfied with a supervisor's response, or if the employee is uncomfortable going to his/her immediate supervisor, the employee should discuss the matter with his/her Department Head and/or the Director of Human Resources.

2.14 POLITICAL ACTIVITIES OF COUNTY STAFF

The County is committed to the principles governing political activities by County employees as found in New York State Civil Service Law, especially Section 107, and other pertinent statutes governing this provision. The County is dedicated to serving all the people of the County regardless of their political views. Those employees in Federally Aided Programs are to pay particular attention to the provisions of the federal Hatch Act.

PROCEDURE:

1. In order to insure the impartiality of the County and its employees, County employees shall not:

- a. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office in any Federal, State, or local elections.
 - b. Directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
 - c. Examples of activities deemed a violation of this policy include:
 - i. Circulating a candidate's nominating petition within your office;
 - ii. Statements in support of or in opposition to a political candidate if the statement was or appears to be made in an official capacity.
 - iii. Distributing or displaying political literature or materials supporting or opposing a political candidates in the workplace or in any County building;
 - iv. Using County computers or equipment to produce brochures in support of a candidate's campaign; and
 - v. Sending e-mail invitations to campaign events to friends within agency.
2. County employees in federally-aided programs are subject to the restrictions contained in the Hatch Act, and shall not be a candidate for public or political party elective office in a partisan primary, general or special election.
 3. Department Heads will review with staff who indicate an interest in political activity the pertinent sections of Section 107 of New York State Civil Service Law and any other pertinent rules and regulations established by the Rensselaer County Civil Service Commission.
 4. Department Heads are to alert the County Attorney to any suspected violation of this policy.

2.15 PUBLIC AND MEDIA COMMUNICATIONS

The County believes and establishes as a matter of policy that channels of communication should be kept open at all times between the County and the citizens. The County believes that citizens have a right to be informed of the activities and services provided on their behalf by the various Departments and Agencies of County government. Public relations will be conducted through the Office of the County Executive, which will be responsible for information released from County government. It is the belief of County government that open

and honest communication with the public whom we serve will build trust between government and constituents.

PROCEDURE:

The following procedures are established to assist the various Departments in the public relations and communications process:

1. Release of any information, including media interviews and appearances, should be by the Office of the County Executive. Communications from the media should be directed to the Office of the County Executive.
2. The administration of surveys, questionnaires, and other requests for information should be directed to the Office of the County Executive.
3. Materials which a Department would like distributed on a mass basis should be processed through the Office of the County Executive.
4. Materials which are developed for County-wide distribution should be developed in conjunction with the Office of the County Executive and distributed by the Office of the County Executive.

2.16 GIFTS AND GRATUITIES

The County prohibits employees at all levels from accepting gifts or gratuities from firms, organizations, their employees, agents or other individuals who may or do conduct business with the County in any capacity whatsoever. Any employee who is offered a gift or gratuity from any vendor doing business with the County shall report such to the County Attorney.

2.17 PERSONAL CONDUCT & INSUBORDINATION

The County's rules and standards of conduct are essential to a productive work environment. As such, employees must familiarize themselves with, and be prepared to follow, the rules and standards.

While not intended to be an all-inclusive list, the examples below represent behavior that is considered unacceptable in the workplace. Behaviors such as these, as well as other forms of misconduct may result in disciplinary action, up to and including termination of employment:

The following rules and standards of conduct apply to all employees:

- Employees must be awake and alert on the job at all times.
- Any employee taking prescription drugs or over-the-counter medication that contains a warning that the drug or medication may cause drowsiness or decrease alertness must report that they are taking such medication to their supervisor prior to beginning their workday.

- Employees generally are expected to perform job assignments as provided by their supervisors, Department Head, or other appropriate management representatives. Insubordination refers to employees' refusal or failure to carry out assignments or instructions or to comply with the County's policies and procedures. Insubordination also includes such employee actions as verbally abusing supervisors, co-workers, or members of the general public; ignoring safety rules; and refusing reasonable requests to work overtime.
- As County buildings and property are usually accessible to the general public, employees are expected to take precautions to assure that both County and personal property is secured. Personal items, such as wallets and purses, should be kept in areas that can be monitored by staff and that are not generally used by the public. Offices should be locked at the end of the business day.
- Employee theft of property belonging to the County or to coworkers will not be tolerated, and may result in immediate termination.
- Without supervisory authorization, you must not remove from the premises any County-owned material, tools, or other items, including damaged goods and scrap material (including material picked-up from County residents as part of any County program). The County has defined procedures that must be followed to dispose of damaged, surplus or scrapped goods. Consult with your Department Head for information on these procedures.
- Discrimination or harassment.
- Theft or inappropriate removal/possession of property.
- Falsification of timekeeping records.
- Possession, distribution, sale, transfer, manufacture or use of alcohol or illegal drugs in the workplace.
- Fighting or threatening violence in the workplace.
- Making maliciously false statements about co-workers.
- Threatening, intimidating, coercing, or otherwise interfering with the job performance of fellow employees or visitors.
- Negligence or improper conduct leading to damage of company-owned or customer-owned property.
- Violation of safety or health rules.
- Excessive absenteeism.

- Unauthorized use of telephones, computers, or other company-owned equipment on working time. Working time does not include break periods, meal times, or other specified periods during the workday when employees are not engaged in performing their work tasks.
- Unauthorized disclosure of any “business secrets” or other confidential or non-public proprietary information relating to the Company’s products, services, customers or processes. Wages and other conditions of employment are not considered to be confidential information.

Other forms of misconduct not listed above may also result in disciplinary action, up to and including termination of employment. If you have questions regarding the County’s standards of conduct, please direct them to the Human Resources Bureau.

2.18 DRUG AND ALCOHOL TESTING IN THE WORKPLACE

The County has a responsibility to its employees, its residents, and the public at large to take steps to assure safety in the workplace, and safety in the delivery of the services it provides. As part of its commitment to its employees, residents, and the public at large, the County believes that illegal drugs and the abuse of alcohol and drugs have no place in the workplace and establishes a drug- and alcohol-free environment for all of its workplaces. A copy of the County’s **Controlled Substances and Alcohol Use and Testing Policies and Procedures** is attached as **Appendix K**.

PROCEDURE:

Prohibited Conduct

Employees are strictly prohibited from possessing, manufacturing, distributing, storing, consuming, or otherwise using or being under the influence of alcohol or illegal drugs (as defined by state or federal law and regulations) in the workplace, on County premises, in County vehicles, at County activities, or while conducting County business.

The County is aware that employees can be taking lawful prescription medication as authorized by health care providers. All employees can voluntarily disclose any such use on the County’s **Substance Abuse Testing Consent Form** prior to testing and bring medical certification of such use. If such use is otherwise detected during the drug and alcohol testing process, employees must provide medical or professional authorization for such prescriptions.

Any employee who violates this policy will be subject to discipline, up to and including termination. The County will also pursue legal recourse when appropriate.

Drug and Alcohol Testing

Employees may be tested for drugs or alcohol:

- for cause;
- based on reasonable suspicion of a supervisor;
- as part of annual or biennial physical examinations (as applicable, depending on the employee's job title);
- on a random basis and at least annually if they occupy sensitive positions from a safety and health standpoint, including all transportation and public safety positions;
- according to government contracts with state or federal government agencies;
- following accidents, specifically when required by law;
- when returning from a lengthy absence from duty; or
- When required by state or federal laws and regulations or by other contractual obligations.

Once selected for such testing, employees must sign and date the **County's Substance Abuse Testing Consent Form**.

All individuals employed in a position where his or her duties are regulated by the federal Department of Transportation ("DOT") or employed in a public safety position will be subject to additional rules and regulations.

2.19 WORKPLACE VIOLENCE PREVENTION

Rensselaer County 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 Rensselaer County 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 the County's Workplace Violence Prevention Program. (A copy of the comprehensive Program can be obtained from the Bureau of Human Resources). 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 County of Rensselaer identified response personnel that include a member of management and an employee representative. If appropriate, the County of Rensselaer will provide counseling services or referrals for employees.

All Rensselaer County 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.

For purposes of this program, “workplace violence” is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to: an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Such behavior will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted, as outlined in the Program.

Designated Contact Person:

Name: Jason Kippen

Title: Director of Human Resources

Department: Bureau of Human Resources

Failure to do so will result in disciplinary action up to and including termination from employment. For further information, refer to the County’s **Workplace Violence Prevention Policy Statement and Workplace Violence Prevention Program**, attached as **Appendix G** and **Reporting Workplace Violence Incident Report**, attached as **Addendum F-1**.

2.20 REPORTING WORKPLACE INJURIES AND ILLNESSES POLICY

The County is committed to maintaining a safe workplace. A key element of the County’s safety program is employee involvement and employees’ prompt reporting of any concerns about safety in the workplace and any work-related injuries or illnesses. Prompt reporting of these events allows injured or ill employees to receive medical care quickly and facilitates the County’s timely identification and correction of potential safety and health hazards. All safety concerns, injuries, and illnesses must be reported in accordance with the

procedures outlined in this Policy. A **Workplace Injury, Illness or Incident Form** is attached as **Appendix G**.

Reporting Unsafe Conditions or Safety Concerns

If you witness or otherwise become aware of any unsafe conditions or potential hazards (such as wet floors/broken equipment/defective appliances) or if you have any other workplace safety concerns, you must report them to your direct supervisor or the Department Head immediately.

Reporting Work-Related Injuries or Illnesses

It is important that all work-related injuries and illnesses are reported to County management as soon as reasonably possible after they occur. Prompt reporting allows an injured or ill employee to receive necessary medical treatment as soon as possible and facilitates the timely identification and correction of hazards. In some circumstances, an employee may not immediately realize that the employee has been injured or become ill. In these circumstances, the employee must report the injury or illness as soon as reasonably possible after becoming aware of the injury or illness.

Employees who experience, witness, or otherwise become aware of a workplace injury or illness, regardless of how severe it might be, must report the injury or illness in accordance with the following guidelines and procedures:

- If you are at work when you become aware of an injury or illness, you must report it as soon as possible, but in no event later than leaving the facility or four (4) hours after becoming aware of the injury or illness, whichever is earlier. The report must be made to your direct supervisor, or if your direct supervisor is unavailable, the Department Head. If medical attention is needed, the injury or illness should be reported to your supervisor and Department Head. In the event of a medical County, an employee should call 911.
- If you are not at work when you become aware of an injury or illness, you must report it as soon as reasonably possible. You must report the injury or illness by contacting your direct supervisor, or if your direct supervisor is unavailable, the Department Head.
- This policy and procedure applies to employees who suffer a work-related injury or illness, as well as employees who witness or become aware of another employee suffering a work-related injury or illness. However, employees who witness or become aware of another employee suffering a work-related injury or illness are not required to report the injury or illness if the injured or ill employee, or another employee, already reported the same injury or illness.
- If an employee reports a work-related injury or illness in compliance with this policy, the County will not discipline the employee for failure to promptly report the injury or illness.

No Retaliation

The County prohibits any form of discipline, reprisal, intimidation, or retaliation for:

- Reporting a violation of the County’s safety rules, a hazardous condition, or other safety concern.
- Reporting an injury or illness.
- Participating or cooperating in any investigation related to a safety issue, injury, or illness.

No employee, supervisor, or member of management should attempt to interfere with or discourage the reporting of a safety concern, injury, illness, accident, or near miss under this policy. If you believe that you or a coworker has been retaliated against for reporting a safety concern, injury, or illness, please report this conduct to your direct supervisor, or if your direct supervisor is unavailable or you are uncomfortable in reporting to your direct supervisor, to the Department.

2.21 WORKPLACE SAFETY RULES AND PROCEDURES

As part of the County’s commitment to maintaining a safe working environment, the County has implemented a number of safety rules and procedures, as well as comprehensive safety programs as required by state and federal law. You are required to comply with all of the County’s safety rules and procedures.

General Safety and Health Rules

The following general safety rules apply to all employees. Employees must:

- Report any workplace injury, illness, or near miss, as well as any unsafe conditions, potential hazards, or other safety concerns, in accordance with the **County’s Workplace Injury, Illnesses, or Incident Form** attached as **Appendix G**.
- Keep their work area clean, organized, and free from clutter or tripping hazards.
- Ensure that all aisles and exits are kept clear. Employees must not let cords, boxes, or other items obstruct or interfere with aisles or exits.
- Where applicable:
 - Wear all required safety equipment and personal protective equipment (“PPE”) applicable to their work or work area.
 - Properly care for and maintain any PPE assigned to them or which they use. Employees must report any worn, damaged, or defective PPE to their direct supervisor or Department Head immediately.

- Use the tools and equipment designated for the work to be performed and ensure that those tools are kept in good condition.
- Not bring or use your own personal tools.
- Not operate any machinery, equipment, or tools they have not been trained and authorized to safely operate.
- Not operate any machinery, equipment, or tools that are damaged, not working properly, or which have had guards or other safety devices removed or disabled. Employees must report any damaged or non-working machinery, equipment, or tools to their direct supervisor or Department Head immediately.
- Not perform any maintenance or service work on machinery, equipment, or tools unless they have been properly trained to perform this maintenance and are an authorized employee pursuant to the County's lockout/tag out policies and procedures.
- Refrain from lifting any excessively heavy loads without assistance from another employee or a mechanical lifting device.
- Not perform work, enter the County's premises (either on or off duty), or operate any employer-provided vehicle while under the influence of alcohol or illegal substances. For more information, see the **County's Drug & Alcohol Policy**, attached as **Appendix K**. Not engage in any act of workplace violence, including assaulting, fighting, making threatening remarks to, engaging in aggressive or hostile acts toward, bullying, intimidating, or harassing another employee or person. For more information, see the County's **Workplace Violence Prevention Program** on the County Website and attached as **Appendix F**.
- Refrain from possessing or using weapons while on County property, or conducting County business.

These general safety rules are not exclusive and are intended to supplement more detailed safety rules and procedures applicable to employees' specific job duties, worksite, or work area. Failure to follow all safety rules and procedures applicable to your worksite, work area, and work duties may result in discipline, up to and including termination of employment.

Hazard Communication

All employees have a right to know what hazardous chemicals they are using, how those chemicals may affect their health, which precautions are necessary when working with those chemicals, and what County procedures to take in case of contact. To ensure that employees have this information, the County has developed a **Hazard Communication Program** attached as **Appendix J**, which provides information about chemical hazards and the control of those hazards through use of container labeling, safety data sheets, and employee training. **DOT Controlled Substance Policy** is attached as **Appendix K** and **Controlled Substance Listing** is attached as **Addendum K-1**.

Under the Program, employees receive training on the:

- Hazardous properties of chemicals they may work with or to which they may be exposed.
- Safe handling and other procedures they should follow to protect themselves from those hazards.

Detailed information about the physical, health, and other hazards associated with each chemical or substance are contained in the Material Safety Data Sheet (“MSDS”) for each chemical. MSDSs for each potentially hazardous chemical or substance in the workplace are kept at each of the County’s facilities and are available for review on an employee’s request.

All containers of chemicals or hazardous substances must be properly labeled. Labeling should:

- Identify the chemical or substance in the container.
- Display words, pictures, or symbols that provide general information regarding the hazards associated with the chemical or hazardous substance.

Employees should not use any chemical or substance in an unlabeled container and should notify their direct supervisor or Department Head immediately.

Administration of Program

If you have any questions regarding this policy, or if you have questions about health and safety that are not addressed in this policy and/or the County’s safety programs, please contact the Bureau of Human Resources.

Exposure Control Plan

The purpose of this policy is to reduce employee’s occupational exposure to blood borne pathogens. All employees who may be exposed to blood or other potentially infectious materials must have an exposure control plan. The County’s **Exposure Control Plan** can be found in **Appendix L**, and the Bureau of Human Resources can answer employee’s questions about this policy

2.22 COUNTY ASSETS

Use of County Assets

The County’s property and assets may only be used for the County’s purposes. Any unauthorized use of the County’s property/assets will result in discipline up to and including termination. Criminal activity will be reported to the appropriate law enforcement agency or agencies. The loss of damage to, any County property must be reported immediately to a supervisor and the Bureau of Human Resources.

Locks and Key/Fob Distribution

The County's building keys/fobs are issued to employees and other authorized personnel. The loss of, or damage to, any key/fob must be reported immediately to the Facilities Director. All employees are expressly forbidden to have any County key duplicated.

Employees desiring access to the County buildings in the evenings or weekends for the purpose of their work are able to use the key/fob or submit requests for access to the Bureau of Human Resources.

Removal of County Assets

No property is to be removed from the County property without prior approval from a Department Head or the Bureau of Human Resources. In circumstances where it is necessary for employees to use any County property (office machines or similar equipment) (e.g. laptop computer) away from the County to perform their work, approval should be secured from the Department Head. Property includes, but is not limited to, intellectual property, personnel files, and any and all computer files, programs, or other electronic information of any kind. Any property of the County issued to you must be returned to the County at the time of dismissal or resignation or within a timely fashion after it is borrowed.

2.23 REPORTING SUSPECTED ILLEGAL ACTIVITY

The County is committed to conducting its responsibilities in an ethical and lawful manner and in accordance with applicable laws, regulations and policy. The County depends on its staff to share in this responsibility through the timely reporting of suspected illegal activity. "Illegal activity" ranges from conduct commonly and clearly understood to be criminal in nature and potentially punishable by imprisonment, such as burglary and assault, to acts which may more likely result in fines or penalties under federal, state or local law, such as improper disposal of hazardous waste and improper financial transactions. While staff should report any potentially illegal activity, such activity which poses a threat to the safety of anyone is of particular concern, and should be reported immediately to the Police Department.

Employees who engage in illegal activity are subject to disciplinary action, up to and including termination of employment, in addition to possible criminal prosecution. The County reserves the right to refer for prosecution activity of any kind for any reason.

The County is committed to the investigation of and necessary corrective actions for all potentially illegal activity that is reported. All staff that suspect or observe potentially illegal activity (including activity reported to them by others) are responsible for reporting their concerns immediately, in this manner:

- Suspected Crimes in Progress, and Imminent or Serious Threats to the Safety of Anyone:
 - Staff should immediately report the matter to the Police by dialing 911.

- Other Potentially Illegal Activity:
 - Staff should promptly report the matter to a Department Head or supervisor (if applicable), the County Supervisor, the County Attorney, or the Bureau of Human Resources.

At their earliest opportunity, Department Heads and supervisors who receive a report of potentially illegal activity are required to forward the report to the Office of the County Supervisor or to the County Attorney or to the Bureau of Human Resources.

All reports of potentially illegal activity made in good faith will not jeopardize employment nor result in retaliation of any kind.

2.24 WHISTLEBLOWER POLICY

This policy is to protect the employees and volunteers of the County, and the employees of any entity that provides goods or services for the County (“Contractor”) when allegations are made to officials of the County of illegal activity or misconduct.

For purposes of this Policy, illegal activity or misconduct means any action by any employee of the County, volunteer of the County or Contractor, in violation of any federal, state or local law, rule or regulation. “Employee” as herein defined includes any officer or elected official of the County of Rensselaer.

2.25 COMPLAINT PROCEDURE AND INVESTIGATION

Any County employee or volunteer, or any employee of a Contractor, may, in good faith, provide information on any matter involving illegal activity or misconduct to the County Supervisor, the Deputy Supervisor, the Director of Human Resources, any member of the Rensselaer County Board or a member of the Ethics Board, who shall turn over the complaint to the County Ethics Board.

When such a complaint is received, the Ethics Board shall conduct an investigation or cause an investigation to be conducted as may be appropriate. In conducting an investigation, best efforts shall be used to keep confidential the identity of the person providing the information which initiated the investigation; unless it is determined the information was provided other than in good faith. The result of any investigation shall be reported to such other agency as is deemed appropriate.

2.26 NO INTIMIDATION, COERCION, OR RETALIATION

No individual may, directly or indirectly, use or attempt to use his/her official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing or attempting to intimidate, threaten, coerce, command or influence any individual for the purpose of interfering with the right of such individual to disclose information relative to illegal activity or misconduct. “Use or attempt to use official authority to influence” includes promising to confer or conferring any benefit or threatening to effect any reprisal.

2.27 USE OF WEAPONS

Use of a firearm or any other dangerous instrument against a coworker, supervisor, resident of the County, or the general public while on County time or conducting County business is grounds for immediate discharge. Threatening a coworker, supervisor, resident of the County, or the general public with a dangerous weapon will also lead to immediate termination.

2.28 SMOKING POLICY

Smoking is prohibited in all County facilities and vehicles, without exception. This includes common work areas, auditoriums, building entryways, conference and meeting rooms, loading docks, garages, private offices, elevators, hallways, cafeterias, employee lounges, stairways, restrooms, vehicles and all other enclosed facilities. For purposes of this policy, “smoking” includes use of all forms of tobacco such as cigarettes and cigars, tobacco-related products such as e-cigarettes, and any other substances (such as illegal drugs) that can be smoked.

2.29 ACCEPTABLE USE POLICY

The County uses various means of electronic communications. This policy describes the County’s general rules regarding use of electronic communications and technology in the workplace.

PROCEDURE:

Employer-Owned Equipment and Media

The County owns and provides electronic communication systems and certain devices to employees, including computer hard drives, monitors, keyboards, laptops, speakers, modems, scanners, printers, software, and personal wireless communication devices (for example, cell phones are provided to certain employees). The County also provides employees with access to various forms of electronic media, including email and the Internet. More specifically, employees are provided with password-protected email accounts and access to the Internet on their computer workstations.

Employee-Owned Equipment and Media

The County recognizes that employees can own laptops and other computing or wireless communication devices, including mobile phones, smartphones, and personal digital assistants, which permit them to access personal email and the Internet. The County also recognizes that employees have personal email accounts, blogs, and various forms of social media that are accessed via the Internet (for example, Gmail™ or Yahoo!® email accounts or Facebook® accounts).

The County expects employees to limit their use of personal electronic communication devices during their workday, so that such use does not interfere with productivity. This restriction does not apply to permitted break times.

Permitted Use of Electronic Communication Equipment and Media

County-provided electronic communication equipment and media are designed to foster employee productivity. The County encourages use of the County's electronic communication systems and devices for business-related activities.

The County expects all employees to use reasonable care when using County-provided electronic communication equipment, such as not eating or drinking near equipment to avoid damaging it. Employees also should lock their offices at the end of their workday to avoid theft of equipment. If any equipment requires repair, employees should contact their supervisors and Department Head.

If the County provides electronic communication devices that employees can use away from work facilities, employees are prohibited from using these devices for personal accounts or interests. Non-exempt employees are prohibited from using the devices for work beyond their regular workday without prior approval from their supervisor.

The County's email system should primarily be used to discuss business-related activities. Employees should use the County's email system to create, send, receive, and store all work-related email. Employees must abide by County policies when using the email system and should not expect any privacy when using this system.

The County further expects that access to the Internet will be used primarily for work-related activities. Employees should not expect any privacy when accessing Internet websites. Although the County recognizes and promotes County-related blogs, social network pages, and various other media outlets via the internet, employees are expected to abide by County policies when using the Internet.

Prohibited Use of Electronic Communication Equipment and Media

Employees are prohibited from destroying or damaging the County's electronic communication equipment.

Employees are prohibited from taking unauthorized pieces of County-provided electronic communication equipment with them from County facilities. The County conducts periodic audits of electronic communication systems and devices to ensure that employees have all appropriate pieces of equipment. Taking unauthorized pieces of equipment from County-facilities is considered theft.

Likewise, employees are prohibited from bringing unauthorized electronic communication equipment to work to use with County-provided electronic communication equipment. Such prohibited equipment includes any type of external computer drives; any form of "disks," such as CD-ROM disks, to save information from computer drives; and personal laptops and other wireless communication devices. Using such unauthorized equipment with County-provided electronic communication equipment is considered theft of County's intellectual property.

Employees who leave employment with the County must return all County-provided electronic communication equipment to their supervisor or Department Head on the last day of employment. The County conducts an audit to ensure that all County-provided electronic communication equipment is returned to County. If any equipment is missing at the inventory review and can't otherwise be accounted for, the County considers such missing equipment as stolen property and can pursue appropriate legal action against such employees.

Prohibited Activities Using Employer-Provided Equipment and Media

Electronic media provided by the County must not be used by employees for knowingly transmitting, retrieving, or storing any communication that:

- is discriminatory, harassing, defamatory, or otherwise prohibited by federal or state law;
- otherwise violates County policies.

Electronic media provided by the County also must not be used by employees for any of the following activities:

- engaging in defamatory, fraudulent, or other illegal conduct;
- monitoring or intercepting files or electronic communications of employees or third parties;
- obtaining unauthorized access to any computer system;
- using another employee's account or identity without explicit authorization; or
- attempting to test, circumvent, or defeat security or auditing systems of the County or any other organization without prior authorization.

Security and Monitoring of Electronic Communication Equipment and Media

Employees obtain access to the County's electronic communication systems and devices by applying for such access through their supervisors. Employees must change their passwords each month as prompted by their computer login screens and must not share passwords with other employees or third parties. Employees must log out of password-protected areas before leaving their work stations and must log out of computer systems entirely at the end of each workday.

Any files that are downloaded from outside the County's system first must be scanned for viruses. Employees are prohibited from installing any computer programs without approval of their supervisors.

The County reserves the right to monitor and review employees' usage of the County's electronic communication systems and devices and employees' files and messages created, received, stored, or sent using such systems and devices to ensure that electronic equipment and

media are being used in compliance with federal and state laws and regulations, this policy, and other County rules. The County maintains electronic archives of all electronic communications created with County equipment.

2.30 SOCIAL MEDIA

The County recognizes that online social media can be highly effective tools for sharing ideas and exchanging information. The County is committed to using social media to promote visibility and maintain communications with the general public. This policy addresses general use of social media by employees, and details specific allowable use of social media for work purposes. The County adheres to all relevant federal and state laws and regulations regarding electronic communications, including the National Labor Relations Act.

The County defines social media broadly to include online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content. Social media include personal websites and all types of online communities.

PROCEDURE:

Employees should be mindful of their responsibilities to the County. Once content is posted online, it is no longer private and can remain on the internet indefinitely. The County respects employees' right to express personal opinions when using personal social media and will not retaliate or discriminate against employees who use social media for political organizing or other lawful purposes, such as activities protected by the National Labor Relations Act. Employees who link to the County's websites on personal social media websites should identify their relationship with the County. Employees who identify themselves as a County employee on social media should state that the views they express are their own.

Violations of the County's harassment policies that occur via social media will result in discipline. The County expects employees to refrain from illegal activities when using social media. Employees who engage in illegal activity via social media over the County's electronic communication systems, whether at work or elsewhere, will be subject to discipline.

County-sponsored social media are for County use only, and the County owns the accounts for County-sponsored social media, including all content, communications, and connections created, sent, received, or stored on such accounts. Only employees who are designated and authorized by the County can prepare content for or delete, edit, or otherwise modify content on County-sponsored social media. Please refer to the County-Sponsored Social Media Policy for additional information.

2.31 COUNTY-SPONSORED SOCIAL MEDIA

The County engages in communications with the general public via County-sponsored social media (for example, the County maintains its own Twitter™ account). County-sponsored social media are for County business use only, and the County owns all accounts for County-sponsored social media, including all content, communications, and connections created, sent, received, or stored on such accounts. Only employees who are expressly designated and

authorized by the County can access County-sponsored social media and prepare content for or delete, edit, or otherwise modify content on the County-sponsored social media. Any person who accesses County-sponsored social media accounts and/or prepares content for or deletes, edits or otherwise modifies content on the accounts will be subject to discipline, up to and including termination from employment, and appropriate legal action will be taken.

Designated and authorized employees are required to follow all County policies at all times when accessing or modifying content on the County-sponsored social media accounts. Any employee who violates County policy when accessing or modifying content on County-sponsored social media accounts will be subject to discipline, up to and including termination from employment, and appropriate legal action will be taken. In addition, any such violation will result in the immediate revocation of that employee's access and modification rights to County-sponsored social media accounts. An employee's authorization to access or modify content on County-sponsored social media accounts terminates upon the earlier of (i) termination of employee's designation and authorization for access of county-sponsored social media, or (ii) the employee's employment with the County terminates. Any employee designated and authorized by the County to access County-sponsored social media and to modify content on the County-sponsored social media, who is terminated from employment, is required to provide all account access information, including passwords, and is expressly prohibited from thereafter accessing or modifying content on these accounts.

2.32 PROGRESSIVE DISCIPLINE

The following documents the County's past practices regarding employee discipline. The County relies on the process of progressive discipline to respond to and correct inappropriate employee behavior or conduct. The progressive discipline process is intended to ensure fair and consistent treatment of all employees.

Progressive disciplinary measures should include the following, each of which will be carefully documented by the issuing supervisor:

1. Verbal Warning
2. Written Counseling
3. Suspension
4. Notice of Possible Termination or Last Chance Agreement
5. Termination

The County, however, is not bound to use progressive discipline in all cases, including those involving serious infractions of work rules, practices, or criminal/civil law. Some offenses, like stealing, violence in the workplace, sleeping on the job, for example, are so serious that no prior specific disciplinary action is necessary prior to imposing suspension or termination. Also, the County may not necessarily follow each and every step outlined above. For example, a Notice of Possible Termination is often coupled with a Suspension.

Employees covered by the Civil Service Law or a collective bargaining agreement are subject to those procedural aspects of this policy which are not specifically regulated by Civil Service Law or by the collective bargaining agreement. Please also refer to specific regulations

and procedures in your Department, since many Departments have policies and procedures that are particular to the applicable area of County government.

2.33 PERSONAL APPEARANCE AND ATTIRE

Employees of the County are to present a clean and professional appearance while in the workplace. This ensures that professionalism is demonstrated to the public and to fellow County employees. You are expected adhere to this policy whether or not your job responsibilities place you in direct contact with the public. This policy applies to all employees.

It is in the best interest of the County, the employees, and the public that we serve for all employees to portray a professional image appropriate for their position. It is widely recognized that the more professional an employee appears to the public, the more professional the public will respond to the employee.

These guidelines will assist you in maintaining an appropriate appearance. The County is confident that each employee will use their best judgement in following these guidelines. However, please note that these guidelines are not all-inclusive, and the County reserves the right to determine whether an employee's clothing or appearance is appropriate. If you are unsure if something is appropriate, refrain from wearing it to work and ask your supervisor or the Bureau of Human Resources.

All attire must be clean, pressed, and well-fitting. Clothing that is excessively tight or baggy, faded, ripped, torn, stained, and/or wrinkled should not be worn. Undergarments should not be visible. Employees who wear uniforms are expected to report for duty in the assigned uniform. Employees who are not required to wear uniforms are expected to wear clothing appropriate for the position held. Formal attire must be worn when appropriate, such as for meetings outside of your work group, formal meetings, community meetings, court appearances, or if the nature of your work otherwise more formal attire.

Inappropriate Attire

- Casual sandals, flip-flops, sneakers, athletic shoes, hiking boots, beach shoes
- Tank tops and camisoles (when worn without a sweater, jacket, blazer or other appropriate covering)
- Low-cut or revealing shirts
- Short skirts (more than two inches above the knee)
- Sheer/see-through clothing
- T-shirts with inappropriate or offensive images, logos, or advertising
- Denim or denim-type apparel (e.g., chambray)
- Shorts of any type or length
- Leggings, yoga pants, stirrups, gym pants
- Sweatpants, drawstring pants (at the waist or leg-bottom)
- Sweatshirts of any type
- Undergarments showing
- Excessively tight or form-fitting clothing
- "Sagging" pants or shorts

- Clothing with stains, tears/rips, wrinkles
- Caps or baseball hats
- Spandex or form fitting/yoga pants
- Bandanas on head
- Strapless or backless clothing or spaghetti straps
- Cut-offs
- Tube tops, tank tops, muscle shirts, halter tops
- Bare feet

Appropriate Attire:

- Pants made of suitable fabric (e.g., dress pants or khakis)
- County-authorized uniforms or work clothing
- Dresses/skirts (length should not be more than two-inches above the knee)
- Suits, pant suits
- Neckties
- Collared/golf shirts (if tailored, neat, clean)
- Blouses, non-revealing shirts for women
- Non-casual footwear
- Capri pants
- Sweaters
- Casual closed toe shoes

A daily regimen of good grooming and hygiene is also expected of all County employees. Please ensure that you maintain good personal hygiene habits. Perfume and cologne is permitted, however, please be cognizant that others may have sensitivities to these products and they should be used sparingly.

Employees in violation of this policy may be required to leave the workplace to bring their appearance into compliance. During any related absence, employees will be required to use paid time off. Additionally, employees may be subject to disciplinary action for violations.

The County is committed to ensuring that the personal appearance policy is not discriminatory, is applied equally to both genders, and will accommodate to the extent possible, exceptions based on disability, religious, ethnic, cultural, or health reasons.

SECTION III
EMPLOYEE BENEFITS AND LEAVE

3.1 SPECIFIC BENEFITS

The employment terms set out in this Policy Manual work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the County of Rensselaer. Employees should consult the terms of their collective bargaining agreement with respect to the following benefits, if any:

Bereavement Leave	Sick Leave (Paid and Unpaid)
Compensation	Vacation
Personal Leave	Shift Differential
Health, Dental and Vision Insurance	Retirement
Education Benefits	Holidays
Longevity	Union Release Time
Uniform Pay	Equipment Allowance
Compensatory Time	

Wherever employment terms in this Manual differ from the terms expressed in the applicable collective bargaining agreement with the County, employees should refer to the specific terms of the collective bargaining agreement, which will control.

3.2 HEALTH, DENTAL AND VISION INSURANCE

The County of Rensselaer provides health insurance coverage for both its active and retired employees to the extent covered by the present Labor Agreement.

PROCEDURE:

1. During orientation, all new eligible employees will be given information about each health insurance option in order to choose the plan which will best meet his/her needs.
2. Once a year, all eligible employees will be given the opportunity to change their health insurance options.
3. Insurance coverage begins the 1st day of the month following an employee's 30th day of employment.
4. For new employees, who elect to waive coverage under the County's basic health plan, there is a 12 month waiting period before vision insurance begins.
5. When an employee goes off the payroll on Workers Compensation, the County will provide fully paid health and dental coverage from the first month (date of going off payroll) through the last day of the third month. Beginning the first day of the fourth month through the last day of the sixth month, the employee will be required to submit the 20 percent co-payment of the health insurance premium to

the County. Beginning the first day of the seventh month, the employee will be required to pay 100 percent of the health insurance premium.

3.3 EDUCATION LEAVE

The County may grant an unpaid leave of absence for up to one year to a permanent employee for job-related educational purposes. The County may extend that time for an additional one year in its sole and absolute discretion. Any employee on an unpaid education leave will not be entitled to accrue any credit or fringe benefits during the leave.

PROCEDURE:

Any employee requesting an unpaid education leave must comply with the following:

1. The request for an unpaid education leave must be made in writing to the employee's Department Head. The request must include the name of the program that the employee plans to take and the name of the institution.
2. No request will be granted unless the request is for an educational program that is job-related.
3. The Department Head will make a determination, after consultation with the Assistant for Labor Relations and Personnel and the Budget Director, based on the following:
 - a. Employee's Performance Evaluation
 - b. Advantage to the Department for such education
 - c. Manpower needs of the Department
 - d. Inconvenience to the Department in not having the applicant present for long term
 - e. Difficulty of replacement of the employee on a temporary basis
 - f. Experience and past service of the individual applicant
4. If an employee's request for educational leave is granted, he/she may be required to establish that he/she is attending the institution on a full-time basis by, for example, providing tuition bills, transcripts or periodic reports from the educational institution.

3.4 RETIREMENT

The County of Rensselaer is a member of the New York State Retirement System and its level of participation is as spelled out in the Labor Agreement. All newly hired full time permanent employees must be members of the Retirement System. Membership for other employees is optional to the employees.

PROCEDURE:

1. Full time employees hired after July 1, 1976 must complete the Application for Membership.
2. Part time employees, at their option, may join or decline to join the Retirement System. Part time-employees who elect to join must complete Form #1. Those part-time employees who decline to join the Retirement System must complete Form #2 (Declination of Membership).
3. Employees hired after July 1, 1976 contribute 3 percent of their gross pay towards their retirement.
4. Employees working less than 30 hours per week are considered part time by the Retirement System.
5. Temporary or provisional employees have the option of joining the retirement system when hired. If they decline membership upon original hire, they must join the system if and when they are granted permanent status. Those temporary and provisional employees who decline to join must complete the **Declination of Membership** attached as **Appendix I**.

3.5 LEAVES — UNAUTHORIZED

The Collective Bargaining Agreement between the parties specifies areas of leave for which employees make application or otherwise entitled such as sick leave. In order to take any leave there are specific procedures, rules, and regulations that are required of an employee. The failure of the employee to follow the proper procedures for specific leaves and absences shall make such absences unauthorized leaves subject to disciplinary action or dismissal of the employee. In addition to this policy employees are reminded of the following provision of Civil Service Law [Subsection 5.3 (d) Rules and Regulations].

“When an employee is absent without leave and without explanation therefore for a period of 3 work days, such absence shall be deemed to constitute a resignation effective on the date of the commencement of such absence. The failure of an employee to return to his/her position within 3 work days following the expiration of a leave of absence, or extension thereof, without submitting an explanation therefore within such 3 day period, shall constitute a resignation which, for purposes of determining eligibility for reinstatement, shall be deemed to be effective as of the date of the commencement of such leave of absence. Nothing herein shall be deemed to excuse the unauthorized absence of an employee or his/her failure to return to his/her position upon the expiration of an authorized leave of absence, and any such failure may be regarded as misconduct in an appropriate disciplinary proceeding.”

3.6 MILITARY LEAVE

The County recognizes that employees may need to be absent from work to serve in the military. The County provides military service leaves of absence to all regular full-time, part-time, and probationary employees in compliance with the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) and applicable New York laws.

PROCEDURE:

If you need to take military service leave, you or an authorized military service officer should provide advance notice to your supervisor or Department Head. When possible, you should give at least 30 days’ notice of your request for leave. If 30 days’ notice is not possible because of military necessity or for other reasons, you should give as much advance notice to the County as possible.

Written notice is preferred, but not required. Where possible, please submit a copy of your military orders, training notice, or order to active duty to your supervisor or Department Head.

Compensation During Leave

During military service leave, employees will continue to be paid their base pay for up to thirty (30) days of active military duty. Employees also may use any or all of their accrued but unused vacation or other paid time off during their military service leave.

Benefits During Leave

During military service leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law. For all other non-seniority benefits, an employee on military service leave will receive the same rights and benefits as employees on an unpaid leave of absence.

Reemployment

Employees may be eligible for reemployment after their military service leave. Any employees who would like to return to work must report to work or submit an application for reemployment to their Department Head, including their military discharge documentation, if available, as follows:

- If their military service was for less than 31 days, they must report to work on the first regularly scheduled workday that is at least eight (8) hours after they return home from military service.
- If their military service was for 31 to 180 days, they must apply for reemployment within 14 days following completion of military service.

- If their military service was for more than 180 days, they must apply for reemployment within 90 days following completion of military service.
- If they suffered a service-connected injury or illness and they are hospitalized or convalescing, they have up to two years following completion of military service to return to their jobs or apply for reemployment, depending on the length of recovery time required.

If any employees are unable to comply with this reporting through no fault of their own or if they are injured or recovering from an injury and need an accommodation for specific circumstances beyond their control, they should speak with the Director of Human Resources as soon as possible to determine if they are eligible for a reasonable accommodation or additional time to apply for reemployment. Employees who do not report to work or apply for reemployment within the applicable timeframe will be subject to the County's rules about unexcused absences.

Nothing in this policy requires the County to reemploy individuals who are not eligible for reemployment rights under applicable law.

Seniority Rights after Reemployment

Employees who are eligible for reemployment will be reemployed with the same seniority, and all rights and benefits based on that seniority, that they would have attained if they had not taken military leave. Seniority rights include pay and benefits that accrue or are determined based on an employee's length of service.

3.7 NURSING MOTHERS' RIGHTS

Nursing mothers may receive reasonable unpaid break time each day to express breast milk for up to three years after the birth of a child. The break time should, if possible, be taken concurrently with other break periods already provided. Meal periods may be used for this purpose. Every effort will be made to provide a nearby private room in which to express breast milk.

PROCEDURE:

Employees should notify their supervisor to request time to express breast milk under this policy. The County reserves the right to delay or postpone an employee's request for a lactation break by up to 30 minutes if the additional break time will seriously disrupt operations and in accordance with applicable law.

No employee will be penalized or retaliated against for choosing to express breast milk. If you need a private room, see your Department Head for details.

3.8 JURY DUTY

It is the policy of Rensselaer County that employees who are called to serve on a jury according to the procedures for local jury selection may serve on such jury without loss of pay or benefits.

PROCEDURE:

1. When an employee is served notice that (s)he is being called for jury duty(s)he is to present a copy of the jury summons to his/her immediate supervisor on the first work day after (s)he receives the notice.
2. The employee is required to call each day of service to inform his/her supervisor of continued duty requirement.
3. Any employee who is released from jury duty and has more than one hour remaining on his/her regularly scheduled shift, is required to report to his/her job.
4. The employee is required to submit to the County's Payroll Clerk on a weekly basis a form signed by a court officer showing the dates and hours of duty.
5. The employee is to return to work as soon as his/her service is completed.
6. Employees will not be paid for jury duty beyond their normal rate of compensation.
7. Whenever an employee is called to serve on a jury, his/her Department Head should notify the Director of Human Resources in writing indicating the employee's name(s) and starting date.

3.9 FAMILY AND MEDICAL LEAVE

POLICY:

Rensselaer County (the "County"), in accordance with the Family and Medical Leave Act of 1993 ("FMLA"), gives "eligible" employees of the County the right to take unpaid leave for a period of up to 12 or 26 workweeks in a "rolling" 12-month period that is measured backward from the date you use any FMLA leave. Employees are not permitted to "bank" or carry forward leave under the FMLA.

PROCEDURE:

Eligibility

To qualify to take FMLA leave, the employee must meet all of the following conditions:

- The employee must have been employed by the County for at least 12 months or 52 weeks.

- The employee must have actually worked at least 1,250 hours of service during the previous 12-month period.

Types of Leave Covered

Eligible employees may take up to 12 weeks of FMLA leave during a single 12-month period for one or more of the following reasons:

- The birth of a child and to bond with the newborn child (until the child reaches the age of 1 year);
- The adoption of a child and to bond with the newly adopted child (within 12 months of adoption);
- The placement with the employee of a child in foster care and to bond with the newly placed child (within 12 months of placement);
- To care for a spouse, child, or parent who has a “serious health condition” (as defined by the FMLA);
- The “serious health condition” of the employee (as defined by the FMLA) which makes the employee unable to perform the employee’s job;
- Because of a “qualifying exigency” (as defined by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee, is a member of the regular Armed Forces or Reserve components of the Armed Forces, and is on or called to covered active duty. “Qualifying exigencies” may include, but are not limited to, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees may take up to 26 workweeks of FMLA leave during a single 12-month period may be taken by an eligible employee to care for:

- a covered service member who: (a) is the employee’s spouse, son, daughter, parent, or next of kin; and (b) is a member of the Armed forces (including a member of the National Guard or reserves) who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a covered veteran who: (a) is the employee’s spouse, son, daughter, parent, or next of kin, (b) was released under conditions other than dishonorable; (c) is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness; and (d) was a member of the Armed Forces (including a member of the National Guard or reserves) at any time during the period of 5 years preceding the first date on which the eligible employee takes FMLA leave to care for the covered veteran.

This leave entitlement shall be applied on a per-covered service member, per-injury basis. Note: The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.”

The single 12-month period for service member caretaker leave shall begin on the first day the eligible employee takes leave to care for a covered service member and end 12 months after that date. If an eligible employee does not take all of his/her 26 workweeks of leave entitlement to care for the covered service member, during the single 12-month period, the remaining part of his/her 26 workweeks of leave entitlement to care for the covered service member is forfeited.

An employee’s combined leave total for all FMLA leave taken during any single 12-month period shall not exceed 26 weeks.

Combined Leave Total for Spouses

Spouses who are both employed by the County and eligible for FMLA leave may be limited to a:

- Combined total of 12 weeks of leave during the 12-month period if leave is requested:
 - (1) for the birth of a son or daughter and in order to care for that son or daughter;
 - (2) for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or
 - (3) to care for an employee’s parent with a serious health condition.
- Combined total of 26 weeks in a single 12-month period if the leave is either for:
 - (1) military caregiver leave; or
 - (2) a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

Substitution of Paid Leave

When an employee takes FMLA leave because of the employee’s own serious health condition (including for prenatal care and incapacity relating to the pregnancy, and for her own serious health condition following the birth of a child), the employee may elect or the County may require accrued paid time off to be used concurrently with the FMLA leave entitlement.

Advance Notice

Generally, employees requesting FMLA leave must provide written notice of the need for leave to his/her Department Manager or Supervisor and Employee Health. The County generally has a right to 30 days’ advance notice from the employee where the need for FMLA leave is foreseeable. If 30 days’ notice is not practicable, notice must be given as soon as possible and

practical under the facts and circumstances of the particular case and the employee generally must comply with normal call-in procedures. Notice must be given as soon as possible and practical for foreseeable leave due to a qualifying exigency, regardless of how far in advance such leave is foreseeable.

Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the employee's family member is unable to perform daily activities; the employee's need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must also inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

For purposes of confirmation of family relationships, the County may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship to the extent permitted by law. The first time qualifying exigency leave is requested by an employee, the County may also require the employee to provide a copy of the covered service member's active duty orders or other relevant documentation issued by the military to the extent permitted by law. Documents submitted for confirmation purposes will be returned to the employee.

Notice of Eligibility and Rights & Responsibilities

Within 5 business days after the employee has provided notice of the need for FMLA leave, the Employee Health Coordinator or his/her designee will complete and provide a completed copy of the Department of Labor's Notice of Eligibility and Rights & Responsibilities form to him/her.

Designation of FMLA Leave

Within 5 business days after the employee has submitted the appropriate certification form or enough information to determine whether the leave is FMLA-qualifying, a member of the Employee Health Coordinator or his/her designee will complete and provide the employee with a written response to the employee's request for FMLA leave, using the Department of Labor's Designation Notice form. A list of the essential functions of the employee's position shall be attached to and provided with the Designation Notice (because the County will require an employee returning from FMLA leave to provide a fitness-for-duty certificate which addresses his/her ability to perform the essential functions of his/her position).

The County may retroactively designate leave as FMLA leave with reasonable notice to the employee, provided that the retroactive designation does not otherwise cause harm/injury to the employee.

Certification

When an employee seeks leave for treatment of his/her serious health condition or the serious health condition of a covered family member, or seeks leave because of a qualifying exigency covered service member caretaker leave, the County may require that such leave be supported by proper certification. Certification must be provided using the appropriate Department of Labor Certification form. Recertification may be required in accordance with the Department of Labor's regulations. An employee must provide a completed certification to the Employee Health Coordinator or his/her designee within 15 calendar days after it is requested or provide a reasonable explanation for the delay. Failure to comply with certification requirements may result in the denial of FMLA leave.

The Employee Health Coordinator or his/her designee (other than the employee's direct supervisor) may contact the employee's health care provider for purposes of clarification and authentication of a medical certification after the employee has been given the opportunity to cure any deficiencies. A Health Insurance Portability and Accountability Act ("HIPAA") release is required to permit a covered health care provider to discuss health information about the employee.

Fitness-for-Duty Certification

The County may require that an employee present a certification of fitness to return to work when the absence was caused by his/her own serious health condition. The County may require that the certification specifically address the employee's ability to perform the essential functions of his/her job. The County has the right to deny restoration to employment if the employee does not furnish the fitness-for-duty certification.

The Employee Health Coordinator or his/her designee (other than the employee's direct supervisor) may contact an employee's health care provider for clarification and authentication of a fitness-for-duty certification if a HIPAA release has been obtained.

Leave Taken Intermittently or on a Reduced Leave Schedule

An employee may take FMLA leave intermittently or may work a reduced leave schedule when medically necessary and when such leave is used in connection with the employee's own serious health condition; the serious health condition of the employee's spouse, parent or child; because of a qualifying exigency; or for purposes of covered service member caretaker leave. An employee must make reasonable effort to schedule foreseeable treatments (i.e., planned surgery, chemotherapy treatments, etc.) in a manner which does not unduly disrupt the County's operations.

Where an employee requests intermittent leave or leave on a reduced leave schedule which is foreseeable based on planned medical treatment, the County may require the employee to transfer temporarily to another position which has equivalent pay and benefits and better accommodates recurring periods of leave.

Benefits Protection

An employee on FMLA leave is entitled to have health coverage under any “group health plan” maintained under the same terms and conditions as if he/she had continued to work. Unless the County notifies an employee of other arrangements, whenever an employee is receiving pay from the County during FMLA leave, the County will deduct the employee’s portion of the group health plan premium from his/her paycheck in the same manner as if the employee was actively working. If FMLA leave is unpaid, employees must contact the Human Resources Department for payment arrangements.

The County reserves the right to drop the coverage of an employee whose premium payment is more than 30 days late. Notice will be mailed to the employee at least 15 days before coverage is to cease advising the employee that coverage will be dropped on a specified date at least 15 days after the date of the letter unless payment is received by that date.

In some cases, the County may recover premiums paid for maintaining an employee’s health coverage if the employee fails to return to work from FMLA leave.

Exhaustion of FMLA Leave Entitlement

When an employee exhausts his or her annual 12 weeks of FMLA leave entitlement, but is unable to return to work at the time of such exhaustion, the County will require updated information from the employee and/or his or her medical provider to determine, in accordance with applicable law, what accommodations, if any, may be appropriate at that time.

Job Protection

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. The County may deny restoration to certain highly compensated employees, but only if necessary to avoid substantial and grievous economic injury to the County’s operation.

Unlawful Acts

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and/or
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or related to FMLA.

Enforcement

All FMLA leave will be administered by Employee Health. For more information or clarification regarding FMLA leave generally, please see the Department of Labor’s notice provisions posted or contact Personnel, or see the nearest office of the U.S. Department of Labor, Wage and Hour Division.

- An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.
- The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

3.10 VOTING LEAVE

Each employee will be given the opportunity to vote in any state or federal election, general primary or special primary if his or her work schedule does not provide him/her four (4) consecutive hours to vote while polls are open. In such situations, employees will be granted up to two (2) paid hours off in order to vote. Any additional time off will be without pay. The County reserves the right to select the hours an employee is excused to vote. Exempt team members may be provided additional time off with pay when necessary to comply with state and federal wage and hour laws.

PROCEDURE:

Notify your supervisor of the need for voting leave two to ten days before the election. When you return from voting leave, you must present a voter's receipt to your supervisor as soon as possible.

3.11 WITNESS LEAVE

Employees are given the necessary time off without pay to attend or participate in a court proceeding in accordance with state law. You must notify your supervisor of the need to take witness leave as far in advance as is possible.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

3.12 CRIME VICTIM LEAVE

The County will grant reasonable and necessary leave from work, without pay, to employees who are victims of a crime to attend or participate in legal proceedings pertaining to the crime. Affected employees must give their supervisor reasonable notice that leave under this policy is required.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

3.13 BONE MARROW/BLOOD DONATION LEAVE

The County offers employees a leave of absence for the purpose of bone marrow or blood donation.

Any employee who seeks to undergo a medical procedure to donate bone marrow will be granted an unpaid leave of absence no longer than 24 work hours. Employees who work at least 20 hours per week may be granted three hours unpaid leave per calendar year for the purpose of donating blood. Unused bone marrow/blood donation leave does not accrue into the next calendar year.

Generally, an employee seeking unpaid leave for the purpose of donating blood must provide notice to their supervisor at least three working days prior to the day on which leave will be taken. Should a supervisor experience an emergency requiring that he/she donate blood for his/her own surgery or that of a family member, the County shall provide reasonable accommodations for a shorter notice period.

The County may require verification by a physician for the purpose and length of each leave requested by the employee to donate bone marrow. You are requested to give as much advance notice as possible.

The County may require employees who take leave for blood donation to show proof of their blood donation in the form of notice of blood donation or a good faith effort at blood donation from the blood bank or some other proof sufficient to the purpose.

3.14 CANCER SCREENING LEAVE

The County complies with New York State Civil Service Law which entitles all County employees to paid leave to undertake screening for breast cancer and prostate cancer. This leave will not be charged against an employee's available sick, vacation, personal or other paid leave accruals.

PROCEDURE:

All employees will be allowed four (4) hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate 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 will not be 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.

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 (2) days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

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) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

3.15 VOLUNTEER FIREMAN AND RESCUE SQUAD MEMBERS POLICY

The County provides emergency response paid leave to employees who serve as volunteer firefighters or volunteer ambulance personnel in the event of a declared local or state emergency. The leave may be granted for as long as the employee is engaged in the actual performance of emergency response duties. Such employees will be expected to report for work as soon as possible following the end of the emergency.

If you are requesting volunteer emergency response leave, you must give advance written documentation from the head of your volunteer fire department or ambulance service, notifying the Bureau of Human Resources of your status as a volunteer emergency responder.

Upon return from this leave, your Department Head may request a notarized statement from the head of your volunteer fire department or ambulance service, certifying the period of time that you responded to the emergency.

If it is determined that an emergency did not exist, the employee did not engage in the performance of emergency response duties, or that the employee did not report to work within a reasonable time following the end of the emergency the employee will be disciplined.

3.16 MEAL PERIODS

Employees are required to take a meal period as specified by their supervisor, or as otherwise specified by the applicable collective bargaining agreement. Employees are not permitted to perform any work during meal periods.

Meal periods must be accurately recorded by each employee in accordance with Department procedure. Uninterrupted meal periods do not count as hours worked.

Employees are responsible for reporting any supervisor or manager who encourages or requires work during meal periods to the Bureau of Human Resources.

Non-exempt employees who do not return on time from meal periods may be subject to discipline.

3.17 REST PERIODS

The County of Rensselaer allows its employees a ten (10) minute rest period during each half shift of not less than 3 1/2 to 4 hours. The policy of rest periods is based on the assumption that employee morale and efficiency will be increased if there is an opportunity to have a rest break. Rest periods or coffee breaks are not automatic. This rest break is subject to the rules and procedures as prescribed in each Department or as otherwise provided by applicable collective bargaining agreement. Such rest periods are allowable only when the workload of the Department permits.

PROCEDURE:

Each Department Head should establish the method and regulations for granting employees their ten minute rest periods. However, the following serve as a general guideline:

1. Rest periods may not extend beyond ten minutes.
2. Employees are entitled to only one break in each half of their shift provided that one-half of their shift is equal to 3 1/2 or more hours of work.
3. Example: If the employee's work day is ten hours, he or she might normally be given a break during each five hour segment.
4. Such breaks may not be added to an employee's meal period, nor may they be taken within one-half (1/2) hour of the meal break.
5. Rest breaks are not to be taken at the start or the end of the workday.
6. Employees must adhere to their supervisor's instruction regarding when to take a break so as to ensure that services within the Department will not be disrupted.

3.18 OVERTIME

All employees will be paid for their hours worked in accordance with all legal requirements. Overtime pay is based on actual hours worked. Unless stated otherwise in the collective bargaining agreement, time off for sickness, vacation, or any other leave will not be considered hours worked for purposes of performing overtime calculations. Employees who are classified as "exempt" within the meaning of state and federal wage and hour laws are not eligible for overtime pay and are not subject to this policy. All non-exempt employees qualify for overtime pay. Overtime is calculated at one and one-half times the employee's regular rate of pay for all hours worked over forty (40) in a workweek.

PROCEDURE:

All overtime must be authorized and approved in advance by the Department Head. Non-exempt employees may not take work home, check work-related email outside of work hours, or work before or after their shift without express permission of their supervisor and/or the Department Head. Moreover, employees may not work through their meal periods. Employees who work outside of authorized hours without advance permission of their supervisor and/or the Department Head will be paid for such time, but may be subject to discipline.

3.19 TRAVEL EXPENSES AND REIMBURSEMENT

It is understood that in some County Departments and under certain circumstances, travel is required. It is understood that expenses connected with such travel are compensable in accordance with this policy, or as otherwise provided for by collective bargaining agreement.

PROCEDURE:

County employees who are required to travel on County business will be subject to the following regulations:

MEALS

1. No reimbursement will be made by the County for meals when travel is within the Capital District area (Counties of Rensselaer, Albany, Columbia, Saratoga and Schenectady). The only exception will be cases in which there is a specific charge for a meal at a conference or other professional or business-related meeting. In all such cases, receipts will be required.
2. The maximum daily allowance for meals (for travel outside of the Capital District region) will be \$50.00, including gratuities. Charges for meals will be allowed at the following maximum rates, when time of departure from home at the beginning of trip occurs before the following hours (if an employee leaves from office, time of office departure will govern):

MEAL	TIME	AMOUNT
Breakfast	7:00 AM	\$ 7.00
Lunch	11:30 AM	\$ 10.00
Dinner	6:00 PM	<u>\$ 33.00</u>
TOTAL		\$ 50.00

Time of departure and arrival must be clearly marked on the County Travel Voucher form (a copy of which is available in the Bureau of Human Resources).

Verification, such as receipts, will not be required for meal reimbursement. The only exception will be for cases in which an employee claims an amount greater than the maximum rates above. In that case, the employee will be expected to demonstrate (by receipts, conference schedules, or other means) that the additional charge was a requirement of a particular work-related meeting or conference.

Meal reimbursement is for the employee's expenses only. No reimbursement will be made for the meals of any other individual.

LODGING:

Final confirmation of an employee's lodging reservations when his/her work duties require an overnight stay may only take place only after approval has been obtained from the County Executive.

1. An employee may make reservations for hotel or motel lodging with advance approval from his/her Department Head. The employee must submit proof that the reservation is being made at the lowest available rate before a Department Head may grant approval for the reservation.

2. In order to receive reimbursement for the lodging expense occurred, an employee must submit an original receipt to his/her Department Head.
3. It will be the responsibility of the employee to obtain tax exemption certificates to avoid being charged for taxes on occupancy of hotel rooms. Failure to do so may result in the denial of a reimbursement request for any sales tax or room occupancy tax charges.

3.20 UNEMPLOYMENT INSURANCE BENEFITS

All employees are covered by unemployment insurance, the total cost for which is paid for by the County. Employees can obtain information about eligibility from the Bureau of Human Resources, or the Department of Labor.

By the action of the New York State Legislature, Rensselaer County is now responsible for unemployment insurance claims. Rather than pay New York State a certain percentage of our gross payroll, the County has chosen to become self-insured, The County is now responsible to New York State, on a dollar for dollar reimbursement is, for all unemployment insurance claims against the County. While the self- insured approach has resulted in considerable savings to the County, all supervisors and department heads must be vigilant in their efforts to minimize costs in this area. Each department will have a separate budget line for unemployment insurance claims and therefore be financially responsible for all claims by former employees of that department. The Bureau of Human Resources is the contact department for all matters relating to unemployment insurance. If any phone call, correspondence or visitors relating to unemployment insurance claims come in to department locations, contact the Bureau of Human Resources immediately regarding disposition. .

PROCEDURE:

Not all former employees are eligible for unemployment insurance. General eligibility guidelines are as follows:

1. A Claimant must have been employed at least 3 days per week for at least 20 of the fifty-two weeks preceding the claim (referred to as the Base Year).
2. A claimant must be ready, willing and able to work at least 5 days out of the week.
3. A claimant must accept any position with salary and duties comparable to any position held during the Base Year.
4. A claimant must have been separated from last employer for a “qualifying reason.”

Before terminating any employee for a potentially “qualifying reason”, all department heads must administer the Exit Interview Process, See **Exit Interview Process** attached as **Appendix E**.

The last guideline is the crucial area where good personnel practices will result in cost control. Some “disqualifying reasons” are:

1. Voluntary resignation (regardless of reason).
2. Removal for misconduct (not poor job performance, which is a “qualifying reason.” Thus, the necessity of determining any employees’ capabilities as quickly after hire as possible becomes vital.
3. Other termination for Cause (e.g. Section 75 of the Civil Service Law.)

Documentation of disqualifying reasons is essential. Evidence such as written resignations, documentation of misconduct in accordance with the County Work Rules and regular and accurate performance evaluations should be readily available to the Bureau of Human Resources in order to see that inappropriate claims are denied. The Termination Form must be submitted whenever an employee leaves the County.

3.21 WORKERS’ COMPENSATION

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

SECTION IV
APPENDICES AND FORMS

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX A

**GENERAL MUNICIPAL LAW
GRIEVANCE PROCEDURE**

APPENDIX A GENERAL MUNICIPAL LAW

Article 15-c - Grievance Procedure for Municipal Employees

§681. Declaration of policy -- In order to establish a more harmonious and cooperative relationship between government and its public employees, it is hereby declared to be the purpose of this article to provide by law for the settlement of certain differences between public employees and their employers through procedures under which employees may present grievances, free from coercion, interference, restraint, discrimination or reprisal.

The provisions of this article shall be liberally construed for the accomplishment of this purpose.

§ 682. Definitions -- As used herein, the following terms shall have the following meanings:

1. "Government" or "employer" shall mean any county, city, town, village, school district or other political subdivision in this state having one hundred or more full-time employees, except the city of New York.

2 "Public employee" or "employee" shall mean any person directly employed and compensated by a government, except persons employed in the legislative or judicial branch thereof.

3. "Supervisor" shall mean any person, regardless, of title, who is assigned to exercise any level of supervisory responsibility over public employees.

4. "Grievance" shall mean any claimed violation, misinterpretation or inequitable application of the existing laws, rules, procedures, regulations, administrative orders or work rules of a government or a department or agency thereof, which relate to or involve employee health or safety, physical facilities, materials or equipment furnished to employees or supervision of employees; provided, however, that such term shall not include any matter involving an employee's rate of compensation, retirement benefits, disciplinary proceeding or any matter which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law.

§683. Basic standards and principles.

1. Every public employee shall have the right to present his grievances to his employer in accordance with the provisions of this article, free from interference, coercion, restraint, discrimination or reprisal, and the grievance procedure established under this article shall provide the right to be represented at all stages thereof.

2. It shall be a fundamental responsibility of supervisors at all levels, commensurate with the authority delegated to them by their superiors, promptly to consider and take appropriate action upon grievances presented to them by employees under their supervision. To such extent

as is practicable, appropriate authority shall be delegated to such supervisors to enable them to carry out the purposes of this article.

3. It shall be the responsibility of the head of each department or agency of government to take such steps as may be necessary to give effect to the provisions of this article.

§684. Grievances; procedural requirements; appeals.

1. Each government which, on or before October first, nineteen hundred sixty-three, has not established and does not thereafter maintain a two stage grievance procedure for all its employees shall, acting through the chief executive officer of each government establish and administer a basic grievance procedure for the employees of such government in accordance with the provisions of this section and section six hundred three of this article. Such basic grievance procedure shall provide for at least two procedural stages and an appellate stage for the settlement of grievances as set forth in this section.

2. The first procedural stage shall consist of the employee's presentation of his grievance to his immediate supervisor who shall, to such extent as he may deem appropriate, consult with his superiors. The discussion and resolution of grievances at the first stage shall be on an oral and informal basis. If such grievance is not satisfactorily resolved at the first stage such employee may proceed to the second stage.

3. The second procedural stage shall consist of a request by the aggrieved employee for a review and determination of his grievance by the head of the department or agency of government concerned, or his designee. In such case the aggrieved employee and his immediate supervisor shall each submit to the head of the department or agency concerned, or his designee, a written statement setting forth the specific nature of the grievance and the facts relating hereto. Thereupon such head of the department or agency concerned or his designee, shall at the request of the employee, hold an informal hearing at which the employee, and in accordance with the provisions of the grievance procedure his representative, may appear and present oral and written statements or arguments. The final determination of the second stage of such grievance proceeding shall be made by the head of the department or agency concerned or his designee.

4. The chief executive officer of each government shall appoint one or more public employee grievance boards, consisting of three members each, who shall serve at his pleasure. The jurisdiction of each such board shall be limited to grievances of the employees of such government.

5. Any public employee may appeal to his public employee grievance board from a determination by the head of his department or agency or his designee, made in accordance with the provisions of this article. Such employee shall be granted a hearing before the board on such appeal, and the grievance procedure established under this article shall give such employee the right to be represented in such appeal.

6. Any such hearing may be conducted by any one or more members of the board, designated by the board to act on its behalf; provided, however, that if less than the full board

presides at such a hearing, the member or members thereof conducting such hearing shall render a report thereon to the full board and the full board shall thereupon make its report.

7. The report of the board shall contain a statement of the board's findings of fact, conclusions and advisory recommendations. The board shall send a copy of its report to each employee involved, his representative, if any, the head of the department or agency involved and to the chief executive officer of such government.

8. The formal procedures established hereunder shall specify time limitations for the processing of grievances at each stage in order to insure the prompt consideration and determination of employee grievances.

9. Notwithstanding any provision of this article, any county, city, town, village, school district or other political subdivision in this state having less than one hundred employees may establish a grievance procedure under which its employees may present grievances, free from coercion, interference, restraint, discrimination or reprisal.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

ADDENDUM A-1

**SUMMARY OF SECTION 75
CIVIL SERVICE LAW**

ADDENDUM A-1
SUMMARY OF SECTION 75 CIVIL SERVICE LAW

General:

1. In order to remove, suspend or take certain other disciplinary actions against an employee, the County must show misconduct or incompetency following a hearing on stated charges. No removal or disciplinary action shall be commenced more than eighteen (18) months after the occurrence of the alleged incompetency or misconduct. This limitation shall not apply where such action, if proved in a court, constitutes a crime.

Procedure

1. The employee must be provided with a written notice of charges.
2. The employee must be allowed at least eight (8) days to answer charges in writing.
3. The employer may be represented by counsel and may summon witnesses at the hearing.
4. The burden of proof is on the County to substantiate any charges.
5. Technical rules of evidence are not required to be followed.
6. The hearing must be held by the body having removal power over the employee.
7. All copies of charges, written answers, hearing transcripts and hearing decisions must be filed in the originating department and with the County Civil Service Commission. Upon request, a copy of the hearing transcript shall be furnished to the employee.

Suspension Pending Determination of Charges:

1. An employee may be suspended without pay for thirty (30) days pending determination of charges. Following the end of the thirty (30) day period, the employee must be reinstated to the payroll.

Penalties:

1. If found guilty of the charges, the penalty may consist of:
 - a reprimand
 - a fine not to exceed \$100
 - suspension without pay not to exceed two (2) months
 - demotion in grade and title
 - discharge
2. If acquitted, the employee shall be restored to his position with full pay.

Section 76 - Appeals:

1. An employee may appeal the hearing decision either to the County Civil Service Commission or to the courts through an Article 76 proceeding.
2. Appeals must be filed in writing within twenty (20) days of receipt of the determination of the hearing officer.

If appealed to the County Civil Service Commission, the decision of the Commission is final and conclusive and is not subject to further court review.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX B

**COMPLAINT FORM FOR REPORTING
HARASSMENT, DISCRIMINATION,
AND/OR RETALIATION**

**COUNTY OF RENSSELAER
COMPLAINT FORM FOR REPORTING
HARASSMENT, DISCRIMINATION, AND/OR RETALIATION**

COMPLAINANT INFORMATION:

Name:	
Home Address:	Work Address:
Home Phone:	Work Phone:
Cell Phone:	Email:
Preferred Communication Method:	

SUPERVISORY INFORMATION:

Immediate Supervisor's Name:	
Title:	
Work Phone:	Work Address:

COMPLAINT INFORMATION:

Your complaint of harassment is made against:	
Name:	Title:
Work Phone:	Work Address:
Relationship to you: Supervisor Subordinate Co-Worker Other (please circle one)	
If other, please describe:	

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX C

PRO RATA BENEFIT FORMULAS

APPENDIX C -- PRO RATA BENEFIT FORMULAS

1. For part time employees working at least 17 1/2 hours per week (the minimum necessary to qualify for benefits) the following formula should be used to credit leave time:

SICK LEAVE:

For 35 hours-per week departments

$$a = \frac{(b) \times (91)}{35}$$

For 40 hours per week departments

$$a = \frac{(b) \times (104)}{40}$$

Where a = Total number of hours of sick leave to be credited to the part-time employees per year. This number should be divided by 26 to arrive at the number of hours of sick leave to be credited on a bi-weekly basis.

b = The normal part time work week of the employee expressed in hours.

EXAMPLE:

An employee works 20 hours per week in a 35 hour per week department. Therefore, b = 20 and:

$$a = \frac{20 \times 91}{35} = \frac{1820}{35} = 52$$

Thus, the total number of hours of sick leave to be credited to the employee for the year is 52. Dividing this figure by 26 shows that 2 hours of sick leave should be credited to be the employee per pay period.

VACATION:

The annual vacation credit for all part time employees should be either 1, 2, 3 or 4 normal part time work weeks depending upon length of service.

For example, an employee working a normal part time work week of 30 hours who has been

Employed for: Would Earn:

0 to 12 months	30 hours
1 to 5 years	60 hours
6 to 10 years	90 hours
11+ years	120 hours

Employees will earn their vacation on a bi-weekly basis. They must be employed six months before they are entitled to use such time. To establish the amount to be credited each pay period use the following guide:

Hours Per Week Departments

If the annual amount to be credited a new employee is less than 26 hours, the employee should be credited with one hour of vacation per bi-weekly pay period until the entitled amount is reached. For example, an employee whose work week is 20 hours is entitled to earn 20 hours of vacation in his first year of employment. He would be credited with one hour of vacation for the first 20 bi-weekly pay periods and thereafter would not accrue any vacation credits for the remaining 6 bi-weekly pay periods because the maximum entitled amount has been earned. For 20 hours per week employees with 1 to 5 years of service, 2 hours would be credited per pay period to a maximum of 40 hours and for an employee with 6 to 10 years of service, 3 hours would be credited per pay period to a maximum of 60 hours.

If the annual amount to be credited a new employee is between 26 and 35 hours the employee should be credited with a minimum of 1 1/4 hours of vacation per pay period until the entitled amount is reached. For example, an employee whose work week is 30 hours is entitled to earn 30 hours of vacation in his first year of employment. He would be credited with 1 1/4 hours of vacation for the first 24 bi-weekly pay periods and thereafter would not accrue any vacation credits for the remaining 2 biweekly pay periods because the maximum entitled amount had been earned. For a 30 hours per week employee with 1 to 5 years of service 2 1/2 hours would be credited per pay period to a maximum of 60 hours and for an employee with 6 to 10 years of service 3 3/4 hours would be credited per pay period to a maximum of 90 hours.

40 Hours Per Week Departments

If the employee is working 20 hours a week the employee should be credited with vacation time at 1/2 the rate specified in Article XII of the Labor Agreement. If the employee is working between 20 and 40 hours a week the employee should be credited with vacation time on a straight pro-rata basis using Article XII of the Labor Agreement with the minimum unit to be credited being 1/4 hour. For example, a new employee working a 30 hour week would be entitled to earn 30 hours of vacation in the first year of employment. Since he is working 3/4 of the normal 40 hour week he would be eligible for vacation accrual at the rate of 3/4 times that of full time employees. Applying this to Article XII of the Labor Agreement results in crediting the employee with small fractions of hours. By rounding these off to 1/4 hour segments we have the employee earning 2 hours in the first bi-weekly pay period and 1 1/4 hours in subsequent pay periods until the maximum entitlement of 30 hours is reached.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX D

THE SELECTION INTERVIEW

APPENDIX D

THE SELECTION INTERVIEW

The Selection Interview process revolves around the strategy of developing hypotheses and then testing them. These hypotheses fall into two categories: a general set of hypotheses, formulated to the interview, which relate to the job specification, the superiors and/or subordinates involved, special requirements for the position, etc., and a specific set of hypotheses, formulated during the interview, which are designed to test the applicant's suitability for the position.

An example of a set of general hypotheses might be:

1. Ability to handle crisis situations -- degree of relevance: high
2. Ability to participate as a member of a multi-disciplinary team -- degree of relevance: moderate
3. Ability to develop new programs -- degree of relevance: low - moderate
4. Ability to organize time of self and subordinates degree of relevance: moderate - high

The degree of relevance refers to the necessity of a particular skill in the satisfactory performance of the job. Be sure to take into account the ability of the applicant to develop certain skills after hiring, the urgency of the development of the skill and the flexibility of the organization to permit and enhance this development.

The specific set of hypotheses are based on the answers to questions posed by the interviewer. Certain responses to questions about previous employment might suggest to an interviewer to explore an applicant's supervisory capabilities or ability to be supervised. This section more than emphasizes that every applicant is an individual and must be rated as such. Intuition is the key interviewing skill, but if the interviewer asks the right kind of questions, information will be available to minimize the subjective nature of the selection process.

(SAMPLE) SELECTION INTERVIEW QUESTIONS

The types and depth of questions vary from position to position and from candidate to candidate. Listed below are some general areas which can produce information which could be either directly or indirectly helpful in arriving at the selection decision.

QUESTIONS RELATING TO PREVIOUS EMPLOYMENT

- reasons for each job change
- accomplishments in previous position(s) and reasons for these successes
- obstacles encountered in succeeding in previous jobs
- personal education gained in last job
- likes and dislikes about last job

TYPE OF SUPERVISION

- preference (tight vs. loose); has there been any change?
- type last supervisor was and relationship with same
- type interviewee would be

QUESTIONS RELATING TO PERSONAL QUALIFICATIONS

- personal advancements or accomplishments in recent years
- self-description in terms of temperament
- assessment of health
- planning skills (organizing time and work load, management of outside interests and responsibilities)

QUESTIONS RELATING TO INTERVIEWEE'S FUTURE

- opinion on career progress-to-date
- aspirations (emphasis on long-range)
- assets and liabilities relative to position sought
- limits on flexibility (personal life, health, family, etc.)

SPECIAL CATEGORIES

- description of innovative ideas or projects that interviewee has been involved in or would like to be involved in
- specific information on previous supervisory experience:
 1. number and extent of employees supervised
 2. involvement in personnel selection
 3. involvement in training and orientation
 4. involvement in disciplinary and removal process

PERFORMANCE STANDARDS:

1. interviewee's own
2. what interviewee expects of:
 - a. peers
 - b. supervisors
 - c. subordinates

INTERVIEWING GUIDELINES

1. Ask questions clearly (both diction and wording)
2. Allow interviewee to "think" about responses
3. Be sure interviewee says all (s)he wants to say, but don't push beyond this point
 - Keep interviewee within the framework of responding to questions
 - Don't ask 'yes'/'no' questions

REFERENCE CHECK QUESTIONS

1. Length of time under reference's supervision
2. List candidate's accomplishments
3. List disappointments with candidate
4. List reasons for disappointments
5. Amount of individual freedom for candidate
6. Why is candidate available

Candidate is applying for _____

What are some of the candidate's assets for _____

What are some of the candidate's weaknesses? _____

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX E

THE EXIT INTERVIEW

APPENDIX E THE EXIT INTERVIEW

For informational purposes, an exit interview soliciting reasons for leaving and appraisal of various aspects of employment with the County, can be helpful to immediate supervisors, department heads and the County.

The actual exit interview will be conducted by the Bureau of Human Resources. This arrangement will allow employees to be frank and open with their comments.

The actual interview is roughly structured to gather information in four categories:

1. Reasons for Leaving - questions should concentrate on why the employee is leaving Rensselaer County.
2. Relationship with Supervisor - questions should cover both general and specific supervision. Ask for criticisms and suggestions for improvement.
3. Working Conditions - concentrate on such areas as physical environment, co-worker relationships, job esteem and satisfaction and communications.
4. Orientation and Training - questions should cover the adequacy of orientation and training as they relate to the job and to personal and professional advancement.

An Exit Interview Form is attached as Appendix E. The Form should be given to an employee immediately upon the department learning of a termination. The employee should be asked to fill out the Form and forward it directly to the Personnel Office.

In the event any employee desires a personal exit interview, he/she should be directed to contact someone from the Personnel Office to schedule an interview and that they should complete the Form prior to the interview.

Employees should be informed that the answers they give on the Exit Interview will be confidential and will not become part of their personnel file.

**RENSSELAER COUNTY
APPENDIX E - EXIT INTERVIEW FORM**

Name: _____ Dept: _____

Title: _____ Date: _____

Your cooperation in completing this form will help us improve our employee relations. Please be honest and constructive in your answers and comments.

I. INITIAL ORIENTATION

- | | | | |
|----|---|-----|----|
| 1. | Were you made to feel "at home" when you first started with Rensselaer County? | YES | NO |
| 2. | Did you receive adequate information about your:
job duties
pay
benefits
procedures | YES | NO |

COMMENTS:

II. TRAINING AND PERFORMANCE

- | | | | |
|----|--|-----|----|
| 1. | Did you receive any on-the-job training? | YES | NO |
| | If YES, did you feel it was adequate? | YES | NO |
| 2. | Did you receive regular performance evaluations? | YES | NO |
| | If YES, did you feel that they were constructive and fair? | YES | NO |
| 3. | Do you feel that you had the opportunity to acquire new skills or improve on existing skills during your employment with the County? | YES | NO |

COMMENTS:

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EMPLOYEE HANDBOOK**

APPENDIX F

**WORKPLACE VIOLENCE PREVENTION
POLICY STATEMENT**

County of Rensselaer Workplace Violence Prevention Policy Statement

The County of Rensselaer is committed to providing a safe and secure workplace that is free of violence. Violence is a substantial contributor to occupational injury and death on the job. The County has zero tolerance of any type of workplace violence committed either by an employee or against an employee. Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. Employees engaging in violent conduct of any nature will be subject to immediate disciplinary action, up to and including termination of employment.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment. Workplace violence may include but is not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment. Workplace violence can affect or involve employees, constituents, visitors, contractors and other non-County employees.

This policy is designed to meet the requirement of NYS Labor Law Article 2 §27b. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which County employees could be exposed. Authorized Employee Representatives will, at a minimum, be involved in:

- Evaluating the physical environment,
- Developing the Workplace Violence Prevention Program; and
- Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees bear the responsibility to promptly report any violent incidents and/or threatening behaviors, including threats they have witnessed, received or have been told that another person has witnessed or received. Incidents should be reported to any supervisor, the Bureau of Human Resources, or the County Supervisor. Retaliation against employees reporting incidents of violence or participating in the investigation of incidents of violence will not be tolerated.

Please contact a member of the Bureau of Human Resources with any questions you may have regarding this policy at 518 270-2930 or email Jason Kippen at jkippen@rensco.com

WORKPLACE VIOLENCE PREVENTION PROGRAM COMMON RISK FACTORS AND PREVENTION STRATEGIES

Risk Factors

A number of factors may increase an employee's risk for workplace violence, such as:

- Contact with the Public - physical separation of employees from the public through the use of barriers and counters is an important consideration in protecting employees; use of electronic monitoring; frequent change of Keypad Codes; proper storage of personal items — i.e.: handbags, briefcases, laptop computers.
- Exchange of money - compliance with money handling/storage procedures as set forth by the County Finance Department.
- Delivery of services - use of protective equipment; cell phones/two-way radios; ability to diffuse a volatile situation, or know when to walk away or call for assistance.
- Use of a mobile workplace (i.e.: County vehicle) — keep doors locked at all times, never leave vehicle running while unattended; know where you are going — map or outline of route. Vary your routine if you have a daily schedule.
- Working with unstable or volatile persons in criminal justice settings — protective barriers, panic alarms, and security personnel.
- Working alone or in small numbers - notification to supervisory personnel when you are working alone; properly secured doors and windows; walking to and from the building with a “buddy”; use of a departmental “In/Out” board.
- Working late at night or during early morning hours - proper visibility and the use of lighting will decrease the risk of workplace assault; notification to supervisory personnel.
- Working in high crime areas - know your environment, location of nearest “safe haven” (police station, fire station, etc.);
- Guarding property or possessions - make sure location and property is properly secured; proper protective equipment.

Identified High Risk Areas

The following areas have been deemed as “high risk”:

- County Hall Service Mall
- Second Floor Reception Desk County Hall
- Eastman Room (County Board Meetings) County Hall
- Community Rooms (Board Meetings) County Hall
- Community and Senior Center Reception Area
- County Court Reception Desk and Courtrooms
- Library Reception Desk (Main and Barnard Crossing)
- Police Precinct Holding Areas
- Police Precinct Lobby/Reception Area
- DPW Reception Desk
- DPW “yard”
- All parking lots
- All public bathrooms
- County Park Lodges

Employee Training

In an effort to increase awareness of the signs and effects of workplace violence and the importance of reporting workplace violence, the County of Rensselaer will provide training to all employees.

At the initial time of hire and annually thereafter, department heads will conduct training that will include: the requirements of the workplace violence regulations and the risk factors that were identified in the risk evaluation; measures that employees can take to protect themselves from the identified risks; and the location of the written program and how to obtain a copy. It is the responsibility of the department head to ensure that all department employees have received training.

After each training, the department head will create a record indicating the date the training occurred and the names of all employees participating in the training. The training record will then be forwarded to the Bureau of Human Resources.

Reporting Serious Violations

In the event an employee believes there is a serious violation of the County's workplace violence policy or an imminent danger otherwise exists the matter should be reported to the employee's supervisor by completing a Workplace Violence Incident Report (see attached). All reported incidents will be investigated promptly and thoroughly.

Program Review

The County's Workplace Violence Prevention Program will be reviewed annually. Authorized employee representatives will work with County officials to identify trends and evaluate mitigation efforts in response to reported incidents. The annual review will also assess any changes to the physical environment that may eliminate or add an identified high risk area.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

ADDENDUM F-1

WORKPLACE VIOLENCE INCIDENT REPORT

County of Rensselaer Workplace Violence Incident Report

Date of Incident:	
Time of day/shift when incident occurred:	
Workplace location where incident occurred:	
Detailed description of the incident:	
Name of harmed employee:	
Name of employee reporting the incident:	
Names and job titles of involved employees:	
Name or other identifier of involved non-employees:	
Nature and extent of injuries arising from the incident:	
Names of witnesses:	
Events leading up to the incident and how the incident ended:	

Report Submission

Print name of person receiving report:
Signature of person receiving report:
Date report received:

Please use reverse side if more space is needed.

Note: If the case is a privacy concern case, remove the name of the harmed employee and enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name. Privacy concern cases include cases involving: injury or illness to an intimate body part or the reproductive system; injury

or illness resulting from a sexual assault; mental illness; HIV infection; needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

ACKNOWLEDGEMENT OF RECEIPT

County of Rensselaer Workplace Violence Prevention Policy

I have received a copy of the County of Rensselaer Workplace Violence Prevention Policy.

Print Name: _____

Signature: _____

Date: _____

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX G

**WORKPLACE INJURY, ILLNESS, OR
INCIDENT FORM**

COUNTY OF RENSSELAER WORKPLACE INJURY, ILLNESS, OR INCIDENT FORM

Immediately after you receive information that a work related injury, illness, or incident has occurred, this form is one of the first forms you must fill out. This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Employee Name:	
Date of this report:	
Date of injury/illness/incident:	
Time of occurrence:	
Site/weather conditions:	
Equipment #:	
Personal protection, equipment used:	
Location where injury/illness/incident occurred:	
Did the incident involve a County vehicle:	
Employer Supervisor:	
Were there witnesses to injury/illness/incident:	
Names of witnesses:	
What was the employee doing when the incident occurred:	
Detailed description of the incident (attach picture or sketch of accident site if possible):	
Description of accident site (terrain, condition, etc.):	
Specific body part(s) and nature of injury/illness/incident:	

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX H

**BACKGROUND CHECK POLICY AND
AUTHORIZATION FORM**

**COUNTY OF RENSSELAER
BACKGROUND CHECK POLICY AND AUTHORIZATION FORM**

Pre-Employment Background Investigation Policy

PURPOSE

This document outlines the County of Rensselaer's policy and procedure for background investigations of job applicants and/or current employees.

COVERED EMPLOYEES

The County may conduct background checks on job applicants and/or current employees. These checks include: Consumer Credit Report checks; Criminal Conviction History checks; Employment Reference checks; and Drivers' License checks.

Each particular kind of background check is discussed below.

Consumer Credit Report Checks

The County may obtain consumer credit reports for job applicants applying for sensitive positions. These include positions involving interactions with children, security, and financial responsibilities. These background checks may be conducted by a third-party Credit Reporting Agency ("CRA") or by the County. The type of information that can be collected by such an agency or the County includes, but is not limited to: information pertaining to an individual's past employment; education; character; finances; credit; reputation; and other similar items. Information obtained from a CRA shall be collected in accord with the state and federal Fair Credit Reporting Acts ("FCRA").

POSITIONS SUBJECT TO CONSUMER CREDIT REPORTS:

The County may obtain consumer credit reports for applicants who apply for any positions in the following departments but may extend to all positions and departments:

- Finance Department
- County Clerk's Department
- Parks and Recreation; full-time employees and contract instructors
- Elected Officials
- Information Technology Department
- Assessor's Department
- Department Head Positions
- County Hall positions
- Court positions
- Any other position as determined by the County Supervisor and or the Director of Human Resources.

PROCEDURE FOR OBTAINING CONSUMER CREDIT REPORTS:

The County will:

- Obtain a candidate's written authorization before obtaining a consumer credit report and will also:
- Inform the individual of his or her right to request additional information on the nature of the report and the means through which such information may be obtained;
- Inform the applicant that the report will include information about the individuals' character, general reputation, personal characteristics, etc.;
- Provide the individual with a summary of his or her rights under the FCRA;

- If the results of the credit check indicate issues detrimental to the applicant's employment with the County, the County will inform the applicant that it will decline to hire (i.e., take "adverse action" against) the individual based on the information provided in the report. The County will provide the applicant with a copy of the report, along with a copy of "Summary of Your Rights Under the FCRA" before taking any adverse action, and advise the applicant of their rights to dispute inaccurate information. Applicants will be granted reasonable time to contest the information.

Criminal Conviction History Checks

All persons applying for employment with the County must truthfully disclose the existence of any conviction for any violation of law other than a minor traffic violation. Applicants must disclose such convictions on the "Employment/Civil Service Exam Application" and may provide the County with a written description using the "Explanation and Consent Form."

The information derived from these criminal conviction checks shall be weighed in accord with state and federal law, including New York State Correction Law Article 23-a.

The existence of a conviction and/or removal from employment does not represent an automatic bar to employment, however: false, misleading or incomplete statements on the application or accompanying papers may bar employment with the County. Similarly, if a conviction was not disclosed and it is discovered later, it may result in termination from employment at any time.

Applicants who receive a conditional offer of employment with the County shall undergo a pre-employment criminal conviction check. Former County employees who seek re-employment with the County and obtain a conditional offer of employment are also subject to a pre-employment criminal conviction check.

No individual in a position deemed to be sensitive by the County Board who receives a conditional offer of employment may begin work for the County until the pre-employment criminal conviction check is completed, as the investigation may disclose information that may disqualify the candidate from further consideration.

Special circumstances may, on occasion, require an applicant to start work before all pre-employment criminal conviction checks are completed. Such exceptions may only occur with prior written approval from the County Supervisor.

Prior convictions may be a significant factor in the hiring decision if the conviction has a direct relationship to the specific employment sought or if the employment would involve an unreasonable risk to property or to the safety or welfare of the general public or specific individuals. The County will follow New York State Correction Law, Article 23-a, to determine if a candidate with a conviction is unsuitable for employment.

PROCEDURES FOR CRIMINAL CONVICTION HISTORY CHECKS:

Upon initial application for employment, all applicants will receive an authorization form related to the applicant's criminal conviction history. Applicants' signature on these forms shall authorize the County to conduct a pre-employment criminal conviction check to determine suitability for employment.

Applicants will be informed that false statements on their employment application may disqualify them from employment, or, if a false statement is discovered after employment, that it may result in termination of employment.

If an applicant discloses a conviction, they will be given the opportunity to provide the County with a written explanation of the circumstances which led to the conviction, including the nature of the incident, the penalty imposed, the length of time elapsed since conviction, age at time of offense and any rehabilitative efforts undertaken.

Applicants who receive a conditional offer of employment will be informed of the requirement of a criminal conviction check. **The issuance of a conditional offer of employment does not constitute a finding that a candidate is suitable for employment.**

The results of the criminal conviction check will be received by the Director of Human Resources.

- If the investigation indicates there are no convictions, the Director of Human Resources will inform the County Supervisor that the candidate is suitable for employment.
- If the investigation reveals convictions, the Director of Human Resources will forward the job application, job description, conviction/removal disclosure documents to the County Supervisor for review. Access to the results of the background investigation, associated paperwork, etc., shall be limited to the Director of Human Resources, attorneys, and the County Supervisor and/or his designee(s). The County Supervisor, and/or the Supervisor's designee, will review the job application, job description, other pertinent information, to determine the applicant's suitability for employment. Such review will consider whether there is a direct relationship between the conviction and the specific employment sought, and, whether the employment sought would constitute an unreasonable risk to property or the safety or welfare of the general public. The final approval or rescission of a conditional offer of employment on the basis of past criminal convictions shall be decided by the County Board.

If the candidate is suitable for employment, the County Supervisor and/or Director of Human Resources will inform the department where the applicant will be employed to proceed with the hiring process. The results of the background investigation will not be shared with the department hiring the applicant.

If the candidate is NOT suitable for employment, the County Supervisor and/or Director of Human Resources will inform the relevant department that a letter is being sent to the candidate rescinding the conditional offer of employment due to the results of the background investigation.

At the written request of a candidate who is denied an offer of employment, the County shall provide a written statement to the candidate within 30 days regarding the reasons for the denial of employment.

Information obtained from any background check, including criminal conviction checks, will only be used as part of the employment process and will be kept strictly confidential.

Employment Reference Checks

Employment Reference Checks help the County obtain additional applicant-related information to determine the applicant's suitability for employment with the County. As part of this process, each applicant must submit at least three professional references to be considered for employment at the County. Applicants will be asked to provide each reference's name, telephone number, and address.

Employment Reference checks are conducted for every job applicant, regardless of the position for which they are applying. This process is conducted to verify the accuracy of the information provided by the applicant. Examples include: checks of past employment, education, and job-related accomplishments.

The County will ensure that all reference checks are conducted in compliance with all federal and state statutes, such as the Fair Credit Reporting Act and Americans with Disabilities Act.

Once a decision has been made to hire an applicant, the applicant will receive a conditional offer of employment letter. The letter will note that the applicant's employment is conditional upon passing an Employment Reference Check, along with other background checks.

Information attained from the reference check process will only be used as part of the employment process and will be kept strictly confidential.

Driver's License Checks

Driver's License Checks will be performed on all applicants after a conditional offer of employment has been made and annually thereafter for all employees who have been approved to operate County vehicles.

The County will check the motor vehicle records of any job applicant where driving is an essential job function and/or where a rental car may need to be obtained for business travel purposes. Like other background checks described in this policy, an applicant's conditional job offer is contingent upon passing this check. The driving record check will include review of any appropriate state records based on the employee's application and résumé. If the applicant does not have a valid driver's license, and driving is an essential job function for the position applied for, the applicant will not be hired. Further, if an applicant has a driving record that falls under the criteria listed under the Unacceptable Status (defined below), the applicant will not be hired.

Applicants and employees will be subject to the status classification system listed below.

- Satisfactory - Eligible to Drive. Driving record reflects less than or equal to: one (1) moving violation in 12 months.

- Probationary - Eligible to Drive, with the stipulation that the individual's motor vehicle record will be checked periodically over the period of probation and their driving record reflects greater than the criteria for satisfactory status or equal to two (2) moving violations in past 24 months.

- Unacceptable – If driving may constitute a job requirement of an applicant's desired employment, the applicants may not be hired if their driving record reflects any of the following:
 - suspended or revoked license;
 - three (3) or more moving violations in the past 36 months;
 - one (1) or more DUI/DWI within the past 24 months;
 - at-fault in a fatal accident within the past 5 year;
 - leaving the scene of an accident within the past 36 months;
 - reckless driving conviction within the past 12 months.

The County will also check the motor vehicle records for all current employees who have been approved to operate County vehicles on an annual basis. Any employee without a valid driver's license will not be allowed to operate a County vehicle or drive on County business. If driving is an essential job function, and the employee cannot obtain a driver's license, the County will evaluate the employee's continued employment status, but termination from employment should be expected. If an existing employee has a valid driver's license, and the employee's driving record meets or exceeds Probationary Status criteria, the employee will be placed on Probationary Status and will be subjected to the requirements of that status until the end of the probation. If during a subsequent periodic motor vehicle record check, the employees' record indicates further violations, the County will review the specific circumstances surrounding the individual and determine appropriate action.

COUNTY OF RENSSELAER FAIR CREDIT REPORTING ACT DISCLOSURE

In connection with your application for employment with the County of Rensselaer (“County”), please be aware that the County may request “consumer reports” and/or “investigative consumer reports” (collectively “Background Check Reports”) on you pursuant to the federal Fair Credit Reporting Act and the New York State Fair Credit Reporting Act. These Background Check Reports may be obtained at any time after Glazer Properties receives authorization from you, including any time during the period of your employment if you are hired by the County.

Background Check Reports may be obtained by the County from a consumer reporting agency. Any such Background Check Reports may contain information bearing on your character, general reputation, personal characteristics, mode of living and credit standing.

The types of information that may be obtained include but are not limited to: credit reports, social security number verification, criminal records checks, public court records checks, driving records checks, educational records checks, verification of employment positions held, workers compensation records, personal and professional references checks, licensing and certification checks, etc.

The information contained in these Background Reports may be obtained from private and/or public record sources, including sources identified by you in your employment application or through interviews or correspondence with your past or present coworkers, neighbors, friends, associates, current or former employers, educational institutions or other acquaintances. The nature and scope of any investigative consumer reports that may be requested is explained above.

You have the right to request information from the County about the nature and scope of any investigative consumer report that is requested by the County. Such request must be made in writing and within a reasonable period of time after you receive this disclosure.

A summary of your rights under the federal Fair Credit Reporting Act and a copy of New York State Correction Law Article 23-A is provided to you with this disclosure.

**COUNTY OF RENSSELAER
FAIR CREDIT REPORTING ACT AUTHORIZATION**

I acknowledge that the County of Rensselaer (“County”) has provided me with 1) a summary of my rights under the Fair Credit Reporting Act in a form issued by the Federal Trade Commission and entitled “Summary of Your Rights Under the Fair Credit Reporting Act”; and 2) a copy of New York State Correction Law Article 23-A. I have also reviewed the additional state law disclosure information for New York as follows: **You have the right, upon written request, to be informed of whether or not a consumer report was requested. If a consumer report is requested, you will be provided with the name and address of the consumer reporting agency furnishing the report pursuant to New York General Business Law § 380-c.**

By my signature below, I expressly authorize the County to perform or contract to perform a Background Check Report(s) on me in conjunction with my employment application. I understand that if the County hires me, my consent will apply throughout my employment to the extent permitted by law, unless I revoke or cancel my consent by sending a signed letter or statement to the County.

I understand that, to the extent allowed by law, information contained in my employment application or otherwise disclosed by me before, during or after my employment, if any, may be utilized for the purpose of obtaining Background Check Reports.

By my signature below, I also authorize the disclosure to the County of information concerning my employment history, earning history, education, credit history, credit capacity and credit standing, motor vehicle history and standing, criminal history, and all other information the County deems pertinent by any individual, corporation or other private or public entity, including without limitation the following: prior or current employers; learning institutions; including colleges and universities; law enforcement agencies; federal, state and local courts; the military; credit bureaus; motor vehicle records agencies; and other applicable sources.

I further acknowledge that a telephone facsimile (FAX) or photographic copy of this authorization will be as valid as the original.

I understand that any false statements or deliberate omissions on this document or my employment application may be grounds for disqualification from consideration for employment or, if discovered after I any employment begins, could result in discipline up to and including my termination of employment.

I have read the Background Disclosure and Authorization form and understand my rights.

Printed Name: _____

Signature: _____

Date: _____

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
<p>1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>

4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357

NEW YORK CORRECTION LAW

ARTICLE 23-A LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

§750. **Definitions.** For the purposes of this article, the following terms shall have the following meanings:

(1) “Public agency” means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) “Private employer” means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) “Direct relationship” means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) “License” means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that “license” shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) “Employment” means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that “employment” shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. **Applicability.** The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connect made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment.

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

**APPENDIX I
DECLINATION OF MEMBERSHIP
IN THE
NEW YORK STATE RETIREMENT SYSTEM**

DECLINATION OF MEMBERSHIP
IN THE
NEW YORK STATE RETIREMENT SYSTEM
(APPLICABLE TO LESS THAN FULL TIME ONLY)

This is to certify that I have been advised by the employer of my right to join the New York State Employee's Retirement System and of the rights and benefits pertaining to such membership.

This is to further certify that I decline to join the system described. This certificate of waiver is revocable by me at any time in writing to the Assistant for Labor Relations and Personnel and upon completion of the appropriate Application for Membership Form.

Employee's Name

Date

Hiring Officer

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX J

HAZARD COMMUNICATION PROGRAM

COUNTY OF RENSSELAER HAZARD COMMUNICATION PROGRAM

Overview

Hazard Communication is the process by which employees and contractors are made aware of potential dangers and precautions when working around chemical substances, physical agents, and biologics. Physical agents include occupational stressors such as noise, heat, chemicals, or ionizing radiation. Biologics include organisms such as human immunodeficiency virus (HIV) and staphylococcus. The objective of Hazard Communication is to prevent work-related injury and illness to employees and contractors.

Hazard Determination

This facility relies on Safety Data Sheets (SDSs) obtained from manufacturers, importers and distributors to meet hazard determination requirements. [Safety Data Sheets (SDSs) – previously known or often commonly known as Material Safety Data Sheets (MSDSs)]. Safety Data Sheets on hazardous substances are available to employees where there is potential or actual exposure. The Assistant Director of Buildings & Grounds is responsible for compiling, maintaining and ensuring the master copies of SDSs are complete. A facility collection of SDSs are kept in the Office of the Assistant Director of Buildings & Grounds. SDSs are available for employee review. If a required SDS is not received, the Assistant Director of Buildings & Grounds is responsible to contact the supplier to request the SDS. See Form 1 to request an SDS in writing, if needed.

Labeling

The chemical labels provided by the manufacturer, importer, or distributor are the most common labels used to identify potential chemical hazards and other hazardous products with warnings such as flammability, reactivity and toxicity. Each chemical or hazardous material in the workplace is properly labeled. At the County, when a chemical label must be applied to a hazardous material, the involved employees should contact their Department Head or the Assistant Director of Buildings & Grounds regarding proper labeling.

All chemical container labels must contain the following:

1. Identity of the substance
2. Appropriate hazard warning(s) which include a signal word (e.g. “danger”), a hazard statement(s) (e.g. “fatal if swallowed”), a pictogram and precautionary statement(s)
3. Name and address of the manufacturer

Each supervisor and manager takes ownership to ensure that chemical or hazardous materials are properly labeled and remain legible. Defacing labels or using them improperly is prohibited.

Employees should bring unsafe or unlabeled chemicals to the attention of their supervisor or management for remediation.

All supervisors and managers are responsible for ensuring containers entering the workplace are properly labeled.

Labels are checked for:

1. Identity of the material.
2. Appropriate hazard warning(s) for the material.
3. Name and address of the responsible party. (When containers are received from the manufacturer, distributor, or importer.)

Each employee is responsible for ensuring that portable containers used in their work area are labeled with the appropriate identity and hazard warning(s).

Pipes and Piping Systems

Information on the hazardous contents of pipes and piping systems is identified by the application of labeling and color-coding. Piping systems that contain a hazardous material or chemicals are painted or labeled at access points and every 10 feet where piping is 8-feet or closer to employee contact.

Work activities may be performed by workers in areas where chemicals are transferred through unlabeled pipes. Prior to starting work in these areas, the worker(s) shall be informed by the Assistant Director of Buildings & Grounds about the identity and hazards of the chemicals in the pipe(s), as well as precautionary measures to be followed.

Employee Information and Training

The Assistant Director of Buildings & Grounds coordinates and maintains records of employee hazard communication training, including attendance rosters.

If applicable to the position, before their initial work assignment, each new employee attends hazard communication training class. The class provides the following information and training:

Information:

- Hazard Communication objectives, employer and employee roles and responsibilities
- Operations in their work area where hazardous chemicals and materials are present
- Location and availability of the written hazard communication program, the list of hazardous chemicals, and the SDS

Training:

- Methods and observations that can be used to detect the presence or release of hazardous chemicals in the work area
- Physical and health hazards of the hazardous chemicals
- Measures the employees can take to protect themselves from these hazards
- Details of the hazard communication program--including explanation of labeling system and SDSs and how employees can obtain and use hazard information

When a new physical or health hazard is introduced into the workplace, each employee who may be exposed to the substance is provided information and training.

Hazardous Non-Routine Tasks

- A. On occasion, employees are required to perform non-routine tasks (i.e., enter confined spaces, clean pressure vessels, etc.). Prior to starting work in such areas, each employee is provided information about the hazards of the area or procedure. This information includes:
 - 1. Chemical hazards.
 - 2. Safety measures, precautions, and personal protective equipment (PPE) the employee must put in place to lower the risk potential of the task.
 - 3. Measures the company has taken to eliminate or control the hazard that could include, but is not limited to:
 - a. air monitoring,
 - b. ventilation requirements,
 - c. use of respirators,
 - d. use of attendants to observe procedures, and
 - e. The implementation of emergency procedures.
- B. No employee is to perform a non-routine task without the proper safety and health training.
- C. The following is a list of known hazardous non-routine tasks at this location.

Contractor Hazard Communication

- A. Temporary employees and contractors who have the potential to handle or use hazardous materials or chemicals are supplied with the following information:
 - 1. The hazardous materials or chemicals they may encounter during their work at this facility.
 - 2. Measures to control or eliminate exposure to the hazardous materials and chemicals.
 - 3. The container and pipe labeling system used on-site.
 - 4. Where applicable SDSs can be reviewed or obtained.
- B. Periodically, employees may potentially be exposed to hazardous chemicals brought on our site by a contractor. Should this opportunity occur, SDSs are obtained in advance of work and measures considered to control or eliminate potential exposure.
- C. It is the responsibility of supervisors and managers to obtain SDSs prior to services being performed by a contractor.

See Form 2 for a sample letter to contractors used to communicate Hazard Communication expectations of contractors and their access to (insert facility name) hazardous chemical information.

The Assistant Director of Buildings & Grounds, upon notification from any responsible supervisor or upon other notice of any chemical hazard will advise outside contractors of any chemical hazards which may be encountered in the normal course of their work on the premises.

Chemical Spill Emergency Response

Employees at this facility are not trained as chemical spill emergency clean-up responders. Employees may respond to small incidental spills if they can do so safely. However where a chemical is unknown or a chemical is hazardous, employees are to leave the spill area, move to a safe environment and contact the designated emergency response contractor.

The designated emergency response contractor for this location is:
(insert company name and contact information here)

The safety data sheet for the spilled material should be provided to the spill response team.

Hazard Communication Program Review

The overall Hazard Communication Program is reviewed at least annually. The purpose of this review is to:

- Evaluate the completeness of the Safety Data Sheet inventory.
- Ensure the facility hazard material and chemical inventory is up-to-date.
- Assess employee training to ensure it is current.
- Ensure employee access to Safety Data Sheets.
- Observe facility chemical container labeling process.

By signing and returning the Employee Handbook Acknowledgement/Receipt, the employees certify and understand that the information described within constitutes a summary of the FED/OSHA Hazard Communication Standard and should be sufficient as a general overview but does not attempt to substitute for any provisions of the Standard and that for answers to specific questions and situations, the OSHA standard (29 CFR 1910.1200) and the New York Toxic Substances Act should be consulted.

Form 1

Letter to Request Safety Data Sheet (SDS)

To: (Insert Chemical Manufacturer, Vendor, or Distributor)

From: (Name, Street, City, State, Zip)

Date: (insert date)

Regarding: Safety Data Sheet (SDS)

We have received the following product and are need of a current Safety Data Sheet (SDS) in order to complete our Hazard Communication inventory and update our program.

Please send the following Safety Data Sheet(s) on the following product(s):

- 1.
- 2.
- 3.
- 4.

Your prompt attention is required to ensure we are able to fully complete our hazard communication obligations. Please send us the required Safety Data Sheet(s) no later than (insert date 15 days from the date of this letter.)

Thank you for your cooperation.

Kind Regards,

(insert name and title)

Form 2

Letter to Contractors

Subject: Chemical and Hazardous Material Communication

To: (Whom it May Concern):

The County of Rensselaer wants to ensure that contractors and suppliers are informed of any hazardous materials or chemicals and appropriate protective measures while performing their work at our facility. We have a list of known hazardous materials and chemicals at this location and a Safety Data Sheet (SDS) is on file for each of these chemicals and/or hazardous substances. This information is available to you and your employees upon request. To further ensure employee health and safety, contractors and suppliers are requested to provide a Safety Data Sheet on any hazardous chemical or material brought into the facility or company property. Failure to provide this information in a timely manner will compromise our continued business relationship and may result in the immediate removal of the contractor/supplier from the premises.

Contractors are responsible to notify subcontractors they employ regarding the provisions in this communication.

Thank you in advance for your cooperation to promote a safe and healthy work environment. If you have any questions, please feel free to contact me at (phone number).

Kind Regards,

(insert name and title)

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX K

Department of Public Works

**Department of Transportation, Federal Highway
Administration,
Controlled Substances and Alcohol Use and Testing**

Policies and Procedures

COUNTY OF RENSSELAER

Department of Public Works

Department of Transportation, Federal Highway Administration, Controlled Substances and Alcohol Use and Testing

Policies and Procedures

General Information

The County complies with the procedures for controlled substance and alcohol testing required by the Department of Transportation (DOT) for all employees employed by the County in safety-sensitive transportation positions.

Please contact one or more of the following County representatives with any questions regarding this Policy:

Commissioner of Public Works
Deputy Commissioner of Public Works
Director of Human Resources

Who Is Covered By This Policy?

Any County employee holding a safety-sensitive transportation position, as designated by the County or by DOT regulations are subject to this drug and alcohol testing policy (hereinafter referred to as “Covered Employees”). This includes full-time, part-time and temporary employees. The specific civil service classification of County positions that are covered by this Policy are:

- Motor Equipment Operator
- Automotive Mechanic
- Construction Equipment Operator
- Senior Auto Maintenance Mechanic
- Laborer
- Heavy Equipment Operator
- Any other employee who is required: to hold a Commercial Driver’s License (CDL) as a requirement of their job; to perform work that requires the possession of a CDL; to inspect and/or repair commercial motor vehicles (including mechanics); and to perform any other work on a commercial motor vehicle.

Prohibited Conduct

The following conduct is strictly prohibited by Covered Employees:

- Reporting for duty, remaining on duty or performing safety-sensitive functions while having an alcohol concentration level of .02 or greater or when using any drug or substance prohibited by this policy (except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the employee’s medical history and has advised the employee that the substance does not adversely affect the employee’s ability to perform safety-sensitive functions;
- Using alcohol or controlled substances while on duty;
- Performing safety sensitive functions within four (4) hours after using alcohol.

- For Covered Employees required by the County to take a post-accident alcohol test – Using alcohol within eight (8) hours following an accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- Reporting for duty, remaining on duty or performing a safety-sensitive function if the Covered Employee has tested positive for controlled substances.

No supervisor having actual knowledge that a Covered Employee has done any of the above listed items shall allow the Covered Employee to continue to perform safety-sensitive functions.

No Covered Employees shall refuse to submit to: a pre-employment controlled substance test; a post-accident alcohol or controlled substance test; a random alcohol or controlled substance test; a reasonable suspicion alcohol or controlled substance; a return-to-duty alcohol or controlled substance test; or a follow-up alcohol or controlled substances test as required by these regulations. No supervisor shall permit a Covered Employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Types of Testing That Will Be Conducted

For purposes of the alcohol and controlled substance tests required under this Policy, controlled substance tests will be conducted using urine specimens. Urine specimens will be analyzed for the following drugs or drug metabolites:

- Marijuana metabolites / THC
- Cocaine metabolites
- Phencyclidine (PCP)
- Amphetamines, Methamphetamine, and Methylenedioxymethamphetamine (MDMA)
- Opiate metabolites (codeine, morphine and heroin)

Alcohol screening tests will be conducted using either breath or saliva. Alcohol confirmation tests will be conducted using Evidential Breath Testing Devices (EBTs).

Covered Employees will be subject to the following types of testing:

Pre-Employment Testing

Pre-Employment Alcohol Test: All Covered Employees will be required to undergo post-offer, pre-employment drug testing.

Pre-Employment Controlled Substance Test: All Covered Employees will be required to undergo a pre-employment controlled substances test. No Covered Employee will be hired or permitted to perform in a safety-sensitive position unless the County receives a negative controlled substance test result. Covered Employees transferring from a non-safety sensitive position to a safety-sensitive position for the first time will also be subject to this testing requirement.

Post-Accident Testing

As soon as practicable following an accident involving a commercial motor vehicle, the County will test for alcohol and controlled substances the employee who was performing safety-sensitive functions with respect to the vehicle (if the accident involved the loss of human life); or any employee who receives a citation under State or Local law for a moving traffic violation arising from the accident.

If an employee is involved in an accident involving a motor vehicle, he/she is required to immediately contact the dispatcher and his/her supervisor to report the accident. Law enforcement must also be contacted in those cases where another vehicle was involved. The Commissioner of Public Works or his/her designee will arrange for alcohol and controlled substance testing of the employee. A Covered Employee who is involved in an accident shall remain readily available for such testing or may be

deemed by the County to have refused to submit to testing. As indicated above, the employee must not use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident test, whichever occurs first.

Alcohol Tests: A post-accident alcohol test will be promptly administered. In all cases, the test must be administered within eight (8) hours following the accident.

Controlled Substance Tests: A post-accident controlled substance test will typically be administered at the same time as the alcohol test described above. In all cases, the controlled substance test will be administered within thirty-two (32) hours following the accident.

Random Testing

All Covered Employees shall submit to random alcohol and controlled substance testing. The minimum annual percentage rate for random alcohol and controlled substances testing will be as defined by 49 CFR Part 382.

The random selection will be made through a computer generated random list using employees' social security numbers or employees' payroll numbers. Under the selection process used, each Covered Employee shall have an equal chance of being tested each time selections are made. The County will ensure that random alcohol and controlled substances tests conducted are unannounced.

Reasonable Suspicion Testing

All Covered Employees are required to submit to an alcohol and/or controlled substances test when there is reasonable suspicion to believe that the employee has violated the prohibitions of this Policy. The County's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substances test will be based on a specific, contemporaneous, articulable observation concerning the appearance, behavior, speech, or body odors of the employee. The observation for controlled substances may include indications of the chronic and withdrawal effects of controlled substances. The required observation for reasonable suspicion testing will be made by a supervisor who is trained in accordance with this Policy. Supervisors in the County trained to make these observations will include all Foreman, Division Heads, Roads Foreman, Deputy Commissioner and Commissioner of Public Works.

A Covered Employee may be directed by the County to undergo *reasonable suspicion alcohol testing* if the observations are made during, just preceding or just after the period of the work day that the employee is performing safety-sensitive functions. An alcohol test will be administered within eight (8) hours following the determination of reasonable suspicion. If any of the observations are made, the Covered Employee will not be permitted to report to or remain on duty, as applicable, nor will the Covered Employee be permitted to perform safety-sensitive functions until: An alcohol test is administered and the driver's alcohol concentration measures less than .02; or twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.

Except as provided above, the County will not take any action under this section against an employee based solely on the driver's appearance and behavior, with respect to alcohol use, in the absence of an alcohol test. Consistent with County policy, however, the employee's conduct will be addressed through the progressive discipline process.

A Covered Employee may be directed by the County to undergo reasonable suspicion controlled substance testing if an observation is made at any time the employee is on duty. A Covered Employee must report for collection as soon as possible following the observation triggering the request to test.

Return To Duty Testing

When an employee tests positive for alcohol or controlled substances, or otherwise violates the provisions of this Policy, that employee cannot work again in his/her safety-sensitive position until successfully completing an evaluation by a substance abuse professional (“SAP”) and the referral and education/treatment process set forth in 49 CFR Part 40.

If a Covered Employee successfully completes the SAP requirements, however, he/she may be eligible to return to work provided: the SAP determines that the employee successfully complied with the recommended treatment and education; and the employee has a negative return-to-duty alcohol and/or controlled substance test.

Follow-Up Testing

Upon return-to-duty, a Covered Employee will be subject to follow-up testing, to be determined in number and frequency by the SAP. These tests will be unannounced.

Testing Procedures

The County will only use federally approved collection and testing facilities, and laboratories.

The County will direct a Covered Employee to submit to a drug and/or alcohol test. Notification and testing will be conducted in strict confidence. A Covered Employee who is notified that he/she is required to undergo testing must immediately proceed to the collection site. The Covered Employee must comply with the lawful requests of the technician administering the test, including the request to provide photo identification.

The Covered Employee will be required to provide a urine specimen for controlled substance testing and/or a breath or saliva sample for analysis of alcohol concentration.

All alcohol testing will be conducted only by devices which have been approved by the National Highway Traffic Administration and conducted by trained Breath Alcohol Technicians (BATs) or trained Screening Test Technicians. Federal certified laboratories will be utilized for controlled substance testing. For controlled substance testing, two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the medical review officer (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the County. Should the specimen test positive, the MRO will contact the Covered Employee to discuss the test findings and afford him/her an opportunity to discuss his/her test results and any factors that could have attributed to the positive test. Should the Covered Employee question the test findings, he/she can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results will be treated confidentially and no results will be released to outside parties without the Covered Employee’s express consent or when required by law, rule or regulation or expressly authorized.

Refusal to Submit to Testing

Refusal to submit to alcohol and/or controlled substances test under this Policy will be considered and treated as a positive test. For purposes of this Policy, refusal to submit to an alcohol or controlled substances test means that a Covered Employee:

- 1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the County, consistent with applicable DOT agency regulations, after being directed to do so by the County.
- 2) Fails to remain at the testing site until the testing process is complete.
- 3) Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations.

- 4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen.
- 5) Fails to provide a sufficient amount of urine when directed and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- 6) Fails or declines to take a second test the County or collector has directed him/her to take.
- 7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process.
- 8) Fails to cooperate with any part of the testing process.
- 9) Adulterates or substitutes his/her test result, as reported to the County by the MRO.

Consequences of A Positive Alcohol/ Drug Test

Any Covered Employee who violates DOT regulations and/or this Policy may be subject to disciplinary action up to and including dismissal.

Any Covered Employee who has tested positive for either controlled substances or alcohol, has performed a prohibited act, or has refused to submit to a controlled substances or alcohol test, will be removed from the safety sensitive position immediately and directed to a substance abuse professional (SAP). The substance abuse professional will provide a comprehensive face-to-face assessment and clinical evaluation of the driver; and recommend a course of education and/or treatment with which the employee must demonstrate successful compliance prior to returning to a DOT safety sensitive function.

Failure to submit to an SAP evaluation or failure to comply with the SAPs evaluation recommendations will be grounds for immediate termination without recourse to grievance and arbitration. (Please also refer to the "Return to Duty Testing" and "Follow up Testing" sections of this Policy).

Covered Employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be taken out-of-duty for a minimum of 24 hours. It is this County's policy that such time out-of-duty will be without pay.

Record Retention/Notifications By The County

All records generated as a result of this Policy will be considered and treated as confidential medical records. These records will be kept in a locked file cabinet in the County's Bureau of Human Resources for the minimum legal retention period. These records will be maintained separately from the drivers' personnel records, and access to these records will be limited to the County Supervisor, Bureau of Human Resources, Commissioner of Public Works, Deputy Commissioner of Public Works, and the Roads Foreman.

The County will notify Covered Employee of the results of tests and, upon written request, the Covered Employee will be entitled to copies of any such records.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

ADDENDUM K-1

DOT CONTROLLED SUBSTANCE LIST

DOT CONTROLLED SUBSTANCE LISTING

The legal standard regarding the prohibited drugs for being medically qualified to drive a commercial motor vehicle is as follows:

Driver may not use any drug or substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or other habit-forming drug.

Driver does not use any non-Schedule I drug or substance that is identified in the other Schedules in 21 part 1308 except when the use is prescribed by a licensed medical practitioner, as defined in § 382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Medical Examiners are required to give careful consideration to the effects of medications on a driver's ability to operate a commercial motor vehicle safely before rendering the driver qualified.

More information on specific drugs and driver qualifications is available at the Federal Motor Carrier Safety Administration's Medical Program website.

Generally, DOT drug tests require laboratory testing for the following five classes of drugs:

- Marijuana
- Cocaine
- Opiates – opium and codeine derivatives
- Amphetamines and methamphetamines
- Phencyclidine – PCP

Drug cutoff concentrations can be found on the Substance Abuse and Mental Health Services Administration Web site.

DOT alcohol tests identify alcohol concentration of 0.02 and greater.

NOTE REGARDING NON-DOT TESTING: DOT does not prohibit motor carrier employers from instituting a "company authority" testing program that is in addition to, and distinct from, the required DOT testing program. Under such non-DOT programs, employers could test for other drugs. DOT also does not prohibit employers from using tests of non-urine specimens under a non-DOT program. DOT regulations at §382.601 provide that employer materials supplied to drivers may include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX L

**BLOODBORNE PATHOGEN EXPOSURE
CONTROL PLAN**

COUNTY OF RENSSELAER

BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

The County of Rensselaer is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to blood borne pathogens.

PROGRAM ADMINISTRATION

Working with Department Heads, the Bureau of Human Resources is responsible for implementation of the ECP. The Bureau of Human Resources will maintain, review, and update the ECP whenever necessary.

Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.

Department Heads will provide and maintain all necessary personal protective equipment (PPE) and other controls that they determine to be necessary. Department Heads will also be responsible for ensuring that all medical actions required are performed.

METHODS OF IMPLEMENTATION AND CONTROL

Universal Precautions:

- All employees will utilize universal precautions.

Personal Protective Equipment (PPE):

- PPE is provided to our employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by Department Heads as deemed necessary. The types of PPE available to employees may be: gloves, eye protection, etc.

All employees using PPE must observe the following precautions:

- Wash hands immediately or as soon as feasible after removing gloves or other PPE.
- Remove PPE after it becomes contaminated and before leaving the work area.
- Used PPE may be disposed of in appropriate containers.
- Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
- Never wash or decontaminate disposable gloves for reuse.
- Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
- Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.

Housekeeping

- Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled and closed prior to removal to prevent spillage or protrusion of contents during handling.
- Bins and pails used for this purpose are cleaned and decontaminated as soon as feasible after visible contamination.
- Broken glassware that may be contaminated is only picked up using mechanical means, such as a brush and dustpan.

POST-EXPOSURE EVALUATION AND FOLLOW-UP

- Should an exposure incident occur, contact your Department Head or the Bureau of Human Resources immediately. An immediately available medical evaluation and follow-up may be conducted by your provider or a provider selected by the County, but typically employees will be sent to an Emergency Room. Following initial first aid (clean the wound, flush eyes or other mucous membrane, etc.), the following activities will be performed:
- Document the routes of exposure and how the exposure occurred using the **Employee Injury Report Form**.
- Identify and document the source individual (unless the employer can establish that identification is infeasible or prohibited by state or local law).
- Obtain consent and make arrangements to have the source individual tested as soon as possible to determine HIV, HCV, and HBV infectivity; document that the source individual's test results were conveyed to the employee's health care provider.
- If the source individual is already known to be HIV, HCV and/or HBV positive, new testing need not be performed.
- Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality).
- After obtaining consent, collect exposed employee's blood as soon as feasible after exposure incident, and test blood for HBV and HIV serological status.
- If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.

PROCEDURE FOR EVALUATING THE CIRCUMSTANCES SURROUNDING AN EXPOSURE INCIDENT

The Bureau of Human Resources will review the circumstances of all exposure incidents to determine:

- controls in use at the time
- work practices followed
- a description of the device being used (including type and brand)
- protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)
- location of the incident
- work being performed when the incident occurred
- employee's training

EMPLOYEE TRAINING

All employees who have occupational exposure to blood borne pathogens will receive training conducted by the Department Head. This will include training on the epidemiology, symptoms, and transmission of blood borne pathogen diseases.

In addition, the training program covers, at a minimum, the following elements:

- an explanation of our ECP and how to obtain a cop;
- an explanation of methods to recognize tasks and other activities that may involve exposure to blood; and OPIM, including what constitutes an exposure incident an explanation of the use and limitations of controls, work practices and PPE;
- an explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE;
- an explanation of the basis for PPE selection;
- information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM;
- an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX M

**PUBLIC EMPLOYEE RIGHTS
AFTER JANUS**

FAQ: Public Employee Rights After Janus

Applicability of this FAQ: This FAQ applies to the employees of the County of Rensselaer who are in bargaining units represented by labor unions.

Purpose of the FAQ: The purpose of this FAQ is to answer any questions employees may have relating to the impact of the United States Supreme Court’s ruling in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* (referred to as the “Janus” decision or “Janus”). In addition, New York recently amended the Civil Service Law to address some of the anticipated effects of the Janus decision. This notice is intended to address questions regarding the effects of the Janus decision and amendments to the Civil Service Law. It should be noted that the materials below provide an overview of the known practical effects at this point, but not all issues have been resolved.

1. What is the Janus decision about?

In the Janus decision, the United States Supreme Court concluded that *it is unlawful for a public sector union to take money from a public sector employee if the employee has not voluntarily and affirmatively agreed to pay the union dues*. Prior to the Janus decision, public sector unions could not legally charge non-union members for full union dues, but non-members could be required as a condition of employment to pay an “agency fee” to cover the costs to negotiate and administer the collective bargaining agreement (which was typically nearly as much as the cost of membership in the union).

2. What are union dues?

Union dues are a regular payment of money made by members of unions. The dues are deducted automatically out of an employee’s bi-weekly paycheck. The union sets the amount of the dues. Dues payments have nothing to do with the County or your job at the County, nor are dues or union membership in any way required by the County. Dues are the cost of membership; they are used to fund the various activities which the union engages in. All of the unions representing County employees require their members to pay dues. If you agree to pay union dues, the union requires the County to deduct the dues from your paycheck in each payroll. County payroll is bi-weekly.

3. What is an agency fee?

An agency fee is a sum of money that an employee who chooses not to be a dues-paying member of a union pays to a union for activities related to the union’s obligations as collective bargaining representative, such as negotiating contracts and representing employees in grievances and arbitrations.

4. What does the Janus decision mean for public employees?

The Supreme Court has now ruled that government employees who are affiliated with a union and who do not wish to belong to that union cannot be required to pay an agency fee unless the employee affirmatively consents to pay the union. The decision took effect June 27, 2018.

Previously, unions could not legally charge non-union members the full union dues, because the full dues amount includes the costs for union political activity, such as campaign support and political lobbying;

any such charge would have violated the employee's First Amendment rights. However, non-members could be required to pay agency fees. In Janus, the Court concluded that the unions violate the First Amendment when they take any money from nonconsenting employees.

The Janus decision makes it unlawful for public sector employers or unions to require that an employee who is not a voluntary dues paying union member to pay an agency fee to a union as a condition of obtaining employment or continued employment. This means that neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to such a payment.

5. What must an employee do to have voluntarily and affirmatively agreed to pay the union dues?

New York law requires that such an agreement to collect dues be set forth on a dues deduction authorization card that the union must have an employee sign if the union wants union representation and then the union must provide this card to the employer. A public employer like the County may only deduct union dues from an employees' paycheck when the County has a copy of a signed union dues authorization card on file for the employee.

6. What is the difference between a bargaining unit employee and a union member?

A bargaining unit is a grouping or classification of employees that a union represents as the exclusive bargaining representative. A collective bargaining agreement defines which positions or classifications are part of the bargaining unit. Union members are members of the bargaining unit who choose to join and/or support the union that is the exclusive bargaining representative.

7. Do New York employees still have the right to participate or refrain from participating in union activities?

Yes. The Janus decision does not affect the right to participate or refrain from participating in union activity. **State law specifically states that employees have either right—refrain from participation or participation.** Accordingly, a union or an employer cannot force an employee to join a union, for example. If you refrain from joining you may not be required to pay dues or agency fees to the union. However, unions may still require members to pay dues, but non-members may no longer be required to pay any money to the union as a condition of employment. The Taylor Law still prohibits employers and unions from coercing or interfering with an employee's choice to participate in union activity. This includes the choice to engage in organizing activity, join a union, pay membership dues, or refrain from participating in any union activity. Employees cannot be discriminated against by the employer or the union for exercising their rights.

8. When can the County deduct membership dues from an employee's wages?

Under the Janus decision, agency shop arrangements contained in collective bargaining agreements are invalidated. The County cannot make deductions for employees that have not provided authorization. Civil Service Law § 208 requires unions to provide proof that a deduction authorization has been executed in a format permitted by article three of the state technology law. For existing employees, if the union has already provided proof of deduction authorizations prior to the Janus decision, there is no need to provide additional information.

Under the amended Taylor Law, deduction authorizations will remain in effect unless the employment relationship is terminated or the authorization is revoked by the employee in accordance with the terms of the authorization. However, according to newly amended State law, a deduction authorization will automatically renew if an employee leaves without revoking the authorization, and becomes employed by the County again with one year in a position represented by the same union. As such, if you do not want to have the pay deduction continued you must revoke the authorization in accordance with the union's rules.

9. If I want to stop paying dues, how can I find out what the union's rules are for withdrawing union dues deduction authorization?

The County is not privy to the union rules or procedures. The union is a completely separate and independent business operation. Employees may want to find out what the union's revocation rules are before signing an authorization card. In any event, you should inquire with the union offering you the authorization card for the union's dues deduction revocation rules.

10. Do unions still have an obligation to represent non-members within the bargaining unit?

Yes. The terms of collective bargaining agreements still apply to all employees within the bargaining unit, regardless of whether they are members of the union. **Unions are still required to fairly represent all employees in the bargaining unit when negotiating and enforcing collective bargaining agreements.** However, under the laws recently amended by the State, unions are allowed to limit representation services in certain circumstances. Specifically, as long as the non-member employee is allowed to proceed without union representation or retain private representation, the union is not required to provide representation (1) during questioning by the employer, (2) during a statutory or administrative proceeding or to enforce statutory or regulatory rights, or (3) in any stage of a grievance, arbitration, or contractual process concerning evaluation or discipline of the employee.

**COUNTY OF RENSSELAER
EMPLOYEE HANDBOOK**

APPENDIX N

RECEIPT OF EMPLOYEE HANDBOOK

COUNTY OF RENSSELAER
RECEIPT OF EMPLOYEE HANDBOOK

This is to acknowledge that I have received a copy of the County of Rensselaer Employee Handbook, and I understand that it contains information about the employment policies and practices of the County. I agree to read and comply with this Employee Handbook. I understand that the policies outlined in this Employee Handbook are management guidelines only, which will require changes from time to time. I understand that the County retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the County. I understand that this Employee Handbook supersedes and replaces any and all prior Employee Handbooks and employee handbooks and any inconsistent verbal or written policy statements.

I understand that the County reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. All such revisions, deletions or additions to the Employee Handbook will be in writing and will be signed by the Director of Human Resources. I understand that no oral statements or representations can change the provisions of this Employee Handbook.

I understand that this Employee Handbook is not intended to create contractual obligations with respect to any matters it covers and that the Employee Handbook does not create a contract guaranteeing that I will be employed for any specific time period.

I understand that this Employee Handbook refers to current benefit plans maintained by the County and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

I also understand that if a written contract is inconsistent with the Employee Handbook, the written contract is controlling.

If I have questions regarding the content or interpretation of this Employee Handbook, I will ask the Director of Human Resources.

NAME: _____

DATE: _____

EMPLOYEE SIGNATURE: _____

FORMS

RENSELAER COUNTY
RESIDENCY REQUIREMENT FORM

I understand that the Rensselaer County Legislature in 1986 passed a local law requiring all new employees to be residents of the County.

I understand that there are provisions within the law to permit the hiring of non-residents provided the candidate for employment agrees to move into the County within a maximum of ninety days of appointment.

It is my intention to move into Rensselaer County within the ninety-day period.

Date: _____

Signature: _____

APPLICATION FOR ARTICLE 15 MEMBERSHIP REGISTRATION



RENSSELAER COUNTY

REPORT OF EXTENDED DISABILITY

INSTRUCTIONS TO PHYSICIAN - This report must be completed in full in order for the employer to authorize either payment of one-half (1/2) the regular wages of the patient during the period of his/her disability or a leave of absence without pay for said period. Please complete this report and mail to:

Employer Name: _____

Address: _____

PATIENT INFORMATION

Name: _____

Address: _____

SECTION I - ACCIDENT/ILLNESS

A. DIAGNOSIS

Describe in full the nature and extent of known or reported injury/illness and specify all parts of the body involved:

B. TREATMENT

Was patient hospitalized? yes no

Hospital Name: _____

Address: _____

Hospitalized: from _____ to _____

Describe the nature of treatment: _____



**RENSSELAER COUNTY
BUREAU OF HUMAN RESOURCES**

Steven F. McLaughlin
County Executive

Jason A. Kippen
Director of Human Resources

**DECLINATION OF MEMBERSHIP
IN THE
NEW YORK STATE RETIREMENT SYSTEM**

I, _____, as an employee of
(EMPLOYEE'S NAME)

Rensselaer County was offered the option of enrolling in the New York State and
Local Employees' Retirement System pursuant to Section 45 of the New York
State Retirement and Social Security Law.

(EMPLOYEE'S SIGNATURE)

(CURRENT DATE)

NED PATTISON RENSSELAER COUNTY GOVERNMENT CENTER
1600 7th AVENUE, TROY, NEW YORK 12180
PHONE: (518) 270-2930 FAX: (518) 270-2636



EMPLOYEE WARNING RECORD

Employee Name _____ Dept. _____
Job Title _____ Job Location _____
Date of Offense _____ Date of Warning _____
Location of Offense _____

Offense observed/reported by: _____
Warnings given by: _____

WARNING:

Dates of Previous Oral Warnings: _____

EMPLOYEE'S REMARKS:

Warnings given by: _____

Approved by: _____
Signature Date

Department Head Signature Date

The signature of an employee shall merely indicate his or her acknowledgment that he or she has received or reviewed the report and does not necessarily indicate agreement with its contents.

I have read this warning and understand it.

Employee Signature: _____
Date: _____



**RENSSELAER COUNTY
LEAVE REQUEST FORM**

Name of Employee _____

Date _____

Exact Time Requested

Days _____

Hours _____

Date From _____

Date To _____

Personal Leave _____

Vacation _____

Overtime Compensation _____

Exact Time Granted _____

Approved By _____

Date _____

File This Form With Your Dept. Head For Approval

TRANSMITTAL CLASSIFICATION MEMORANDUM

TO: RENESSELAER COUNTY CIVIL SERVICE COMMISSION

FROM: _____

DATE: _____

SUGGESTED TITLE: _____

PROPOSED SALARY: _____ GRADE: _____

HOURS PER WEEK: _____ EFFECTIVE START DATE: _____

NUMBER OF POSITIONS: _____

THE POSITION IS FUNDED: YES NO

FUNDED IN CURRENT BUDGET CODE: _____

FUNDED BY RESOLUTION (Attached) _____

TYPE OF CLASSIFICATION ACTION:

NEW POSITION _____

RECLASSIFICATION _____

TITLE OF POSITION: _____

NAME OF INCUMBENT: _____

NAME OF PREVIOUS INCUMBENT: _____

APPROVED

DISAPPROVED

BUDGET DIRECTOR _____

PERSONNEL OFFICER _____

COMMENTS: _____

*NOTE: New Position Duties Statement must be attached to this memo.

TRANSMITTAL NOMINATION MEMORANDUM

TO: RENESSELAER COUNTY CIVIL SERVICE COMMISSION

FROM: _____

DATE: _____

DEPARTMENT: _____

NAME OF NOMINEE: _____

TITLE OF POSITION: _____

SALARY OF POSITION: _____

STATUS OF POSITION: _____

_____ Vacant (Position previously filled by): _____

_____ Encumbered by: _____

TYPE OF NOMINATION:

_____ Competitive _____ Non-competitive _____ Exempt

_____ Provisional _____ Labor Class

COMMENTS:

Requested by: _____

*NOTE: application for examination for Employment or a form designated by the County MUST be forwarded with this nomination.