



# NIAGARA COUNTY

## POLICY AND PROCEDURE MANUAL

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## **1. INTRODUCTION**

### **1.1 Welcome**

**Welcome! On behalf of Niagara County we welcome you and wish you every success here. We believe that each employee contributes directly to Niagara County's growth and success, and we hope you will take pride in being a member of our team. We hope that your experience here will be challenging, enjoyable, and rewarding.**

### **1.2 Introductory Statement**

The Niagara County Legislature and the Niagara County Manager recognizes the contributions made by employees, individually and collectively, to providing efficient, effective quality services and that only through such contributions will Niagara County (hereafter referred to as the County) be able to continue to be the regional leader for the provision of such services.

Inherent in this recognition is the belief that as valued resources, all employees will be provided the opportunity to achieve their full potential in an environment which stresses individual dignity and worth; competitive rewards for achievement; delegation of authority to the lowest suitable level; participation, to the extent appropriate, in the management process; professional skill and knowledge enhancement; and the value of loyal service in a workplace free from illegal discrimination.

All aspects of the County's human resource activities will be structured to be supportive of these beliefs and administered so as to ensure the complete continuation and spread of this philosophy.

The Niagara County Legislature and Niagara County Manager expects that all employees will provide the County with a dedicated effort, accepting full accountability within assigned responsibilities, and striving for the highest levels of personal productivity, individual integrity and professionalism.

The purpose driving County employee relations is to provide leadership and strengthen the recruitment, development, retention and effective management of the County's human resources.

### **1.3 Major Goals**

- To recruit qualified applicants and fill vacancies through an open competitive process.
- To provide professional management counsel.
- To ensure internal pay equity and external competitiveness.
- To balance through collective bargaining the goals and objectives of the County with the needs and aspirations of any organized employees.
- To maintain and upgrade the skills and knowledge of the work force.

- To ensure the development and ongoing administration of the employee benefits program for County employees.
- To develop County employee relations policy.

These policies and procedures provide a consistent, comprehensive and efficient system for handling the employee-relations administration that addresses stated organizational principles and values to which the County is committed.

These policies recognize that the strength and future growth of the County depends on the contributions of its employees. These policies further recognize that individual job satisfaction promotes high productivity and efficiency.

The County endeavors to be fair and honest with its employees and to respect their rights and corresponding responsibilities. The County strives to achieve mutual respect in working relationships. To work together successfully, employees and supervisors must realize that harmonious relationships are the outgrowth of daily decisions and cooperative attitudes.

As guideposts in implementing these policies, the County has adopted the following key values:

- **Efficient, Effective, Quality Service –**  
The public is entitled to efficient, effective, quality service. Quality service requires employee commitment to continuous improvement and learning.
- **Fiscal Responsibility -**  
Fiscal responsibility and prudent stewardship of public funds are essential if the public is to have confidence in government.
- **Ethics, Integrity, and Consistency -**  
Ethics, integrity, and consistency are the foundation blocks for public trust and confidence.
- **Treating the Public with Courtesy and Respect -**  
Quality service is provided when the public is treated with courtesy and respect.
- **Cooperation and Teamwork -**  
The public is best served when departments and employees work cooperatively together as a team.
- **Open and Honest Communication -**  
Open and honest communication is essential to informing and involving the public and creating a healthy workplace.
- **Collaboration -**  
Collaboration with others maximizes the use of public resources.



- **Dedication and Commitment**

Quality service is a direct result of employees' dedication and commitment to serving the public.

The construction of this Niagara County Employee Policy and Procedure Manual (hereafter referred to as the Manual) avoids the appearance of bias by using gender-neutral terminology whenever possible.

Subject to the requirements of state and federal law, the policies contained within this Manual apply to nonunion employees. Only where there is not a corresponding provision in the labor contract, will the policies also apply to bargaining unit employees. This Manual is not a contract. The purpose of this Manual is to assist employees by explaining County rules, policies, and benefits.

This Manual is to be made available both electronically and by hard copy within thirty (30) days of its adoption by the Niagara County Legislature. The Manual is to be distributed in a booklet to all County divisions/departments and made easily accessible to employees at such locations as shall be designated by division/department heads. Revisions and additions to the Manual may be adopted from time to time by the County Legislature, and will be distributed within thirty (30) days of their adoption by the County Legislature in the same manner as the Manual to either replace sections revised or be added as new sections

The County Legislature may modify or revoke any of these policies at any time. The County Manager may modify this Manual as necessary to ensure its accuracy, clarity or ease-of-use, provided that such changes:

- Do not modify the meaning or scope of the Manual or of any policy (or absence of policy) contained therein; and
- Do not modify the County's rights and responsibilities to employees or employees' rights and responsibilities to the County.

The County Manager will maintain and provide updates to the Manual by hard copy and on-line, accessible through the County's Local Area Network. Employees are held accountable for adhering to all employee-relations policies and procedures. Employees who do not have access to the on-line Manual will be provided with a copy of the current Manual upon written request. The County Manager under these policies is either the County Administrator or such other County official as may be designated by the Niagara County Legislature to be in charge of general employee relations within the County.

Management may establish procedures to cover unique circumstances except where said procedures would conflict with the policies or procedures contained in this Manual or applicable law. Management will communicate any unique procedures to the employees who must follow or enforce these procedures.

#### **1.4 Governmental Actions**

This Manual is subject to alteration by resolutions of the Niagara County Legislature, changes in Niagara County and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

#### **1.5 Statutes, Laws and Ordinances**

In the event a federal or state statute or local law, resolution or ordinance should conflict with any provision contained in this Manual, then such statute, law or ordinance will prevail.

#### **1.6 Collective Bargaining Agreements**

The terms and conditions set forth in this Manual are superseded by any conflicting provisions in applicable collective bargaining agreements.

#### **1.7 Covered employees**

This Manual governs all employees of Niagara County including department heads. Department heads are defined as those individuals with the authority to hire, fire, discipline and oversee budgets. It does not apply to elected officials, County Attorney, Public Defender and Assigned Counsel & Conflict Administrator.

#### **1.8 Benefits**

Nothing in the Manual shall provide a greater benefit than what is provided for within a collective bargaining agreement.

#### **1.9 Benefit Date**

Benefit Date is the length of service in a full-time or part-time position with benefits. This is used to determine vacation accruals, current healthcare benefits, and when an employee moves to step eight (8). This date is adjusted for periods that an employee is off the payroll with the exception of worker's compensation, disability, half-pay, and military leaves of absence.

#### **1.10 Longevity Date**

Longevity Date is the length of continuous county service in a full-time or part-time position with benefits. This is used to determine longevity payments and to calculate continuous service for retiree healthcare benefits (note: employees who retire from part-time employment are not eligible for retiree healthcare benefits). This date is adjusted for periods that an employee is off the payroll with the exception of worker's compensation, disability, half-pay, and military leaves of absence.

## **2. EMPLOYMENT POLICIES**

### **2.1 Equal Employment Opportunity**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Niagara County will be based on qualifications, abilities, merit, and Civil Service Law. Niagara County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, sexual orientation, citizenship, national origin, ethnicity, ancestry, age, disability, veteran status or any other characteristic protected by federal, state or local law.

Niagara County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination of employment, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination or unlawful harassment in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Department. Employees who witness an incident of discrimination or harassment of any type are required to report the incident to a supervisor or the Human Resources Department. Bullying is similarly prohibited and must be treated as any other form of harassment. Further information on reporting violations of this policy is contained in Section 6.2 of this Manual.

### **2.2 Summer/Seasonal Employment**

Niagara County's Summer Employment Program offers job opportunities in various departments and facilities.

Jobs include parks and pool attendants, lifeguards, summer youth program, laborers and office workers. Salaries depend on the job title, work involved and experience required. The minimum hiring age is sixteen (16) years old. There is no maximum age limit. Preference will be given to Niagara County residents.

Summer Job Applications can be downloaded February through August. Applications can be downloaded from our website at [www.niagaracounty.com](http://www.niagaracounty.com). Click on the Employment tab and download the seasonal application.

### **2.3 Hiring of Relatives/Family Members**

In order to promote fairness for all employees, closely related employees may be employed by the County, provided they work in different divisions, have separate and distinct reporting relationships, and do not perform sequential, standard processing functions.

For purposes of this policy, family members include parents, siblings, children, spouse, members of an employee's household and other relationships that the County determines may give rise to favoritism or the appearance of favoritism. When marriage occurs between employees, this policy is administered according to the above definitions. In some of our larger divisions, this

policy may vary. If necessary, employees may contact their manager or the Human Resources Director for further clarification.

## **2.4 Retaliation Prohibited**

Retaliation against employees for making a good faith report of unlawful harassment or discrimination is expressly prohibited. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## **2.5 Sexual and Other Unlawful Harassment**

Niagara County is committed to providing a work environment that is free of discrimination and harassment in any form, including bullying. It shall be a violation of this policy for any employee to harass another employee through conduct or communication. For the purpose of this policy, the following terms shall be defined as follows:

- **Harassment** - shall include, but is not limited to, actions, words, slurs, jokes, or other verbal, graphic or physical conduct or comments relating to an individual's race, color, religion, ancestry, sex, sexual orientation, national origin, age, handicap/disability or any other legally protected characteristic.
- **Ethnic Harassment** - shall include the use of any derogatory word, phrase, or action characterizing a given racial or ethnic group that creates an offensive work environment.
- **Bullying** - shall include, but is not limited to, behaviors involving invasion of personal space, threats of harm, blocking access to property or facilities, deliberate physical contact or injury to a person or property, demeaning comments, pranks or gestures, and verbal name-calling, mocking, or spreading rumors.

**Sexual Harassment** - includes, but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal or physical conduct of a sexual nature when submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct used as a basis for decisions affecting the individual's employment;
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment;
- Any other unwelcome, offensive comments, jokes, innuendoes, or other sexually oriented comments.

Niagara County does not approve of any type of sexual harassment. Examples of prohibited conduct include, but are not limited to: (1) sexual propositions or advances; (2) touching, pinching or patting; (3) insulting or suggestive sounds; (4) comments about a person's body or body parts; (5) sexually suggestive or oriented jokes or gestures directed toward another or sexually oriented or degrading comments about another; (6) cartoons, pin-ups, or other items of a sexual nature; (7) calendars or pictures of naked men or women; (8) repeated flirtatious or sexual comments; (9) sexually suggestive displays or objects; (10) repeated insults directed against men or women; (11) comments or behaviors which promise benefits for sexual favors; (12) retaliation against an individual for reporting or complaining about sexually harassing comments.

Sexual and other unlawful harassment, including bullying, is unacceptable behavior in the workplace and other work-related settings such as County outings, business trips, parties or gatherings. Harassment in any form affects not only the victim, but other employees as well. Conduct of any harassing nature whatsoever has no legitimate business purpose and is a violation of Niagara County's work rules. It is also unlawful to retaliate in any way against anyone who has complained about harassment or discrimination, whether the concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Employees are encouraged to express displeasure at any conduct, which may be sexually harassing, or in any other way harassing, and to tell individual(s) engaging in the conduct that it is unwelcome and must stop. Employees should use the complaint procedures set forth in this policy to report all such conduct.

## **2.6 Complaint Procedure**

Any employee who feels that he or she has been made a victim of unlawful harassment or any employee who has observed unlawful harassment of another employee, must immediately report it to his or her supervisor or to the Human Resources Department. Niagara County will promptly investigate allegations of unlawful harassment and take corrective action when allegations are verified.

Anyone alleging a complaint of unlawful harassment need not report such harassment directly to any individual who is alleged to have engaged in such harassment. The employee shall report the complaint directly to his or her human resources representative or another member of management who is not the subject of the complaint.

The right to confidentiality, both of the complainant and of the accused, will be respected to the extent possible subject to Niagara County's legal obligations and with the necessity to investigate the allegations of misconduct and take corrective action where this conduct has occurred.

Any supervisor or manager who becomes aware of possible sexual or unlawful harassment must promptly file a complete report of the matter with the Human Resources Department and a higher level of management, which will handle the matter in a timely and confidential manner. Complaints of harassment of any type are not to be ignored.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment. Supervisors or managers who fail to report an

instance of possible sexual or unlawful harassment will also be subject to appropriate discipline. Where a hostile working environment has been found to exist, Niagara County will take all reasonable steps to eliminate the conduct creating that environment.

Niagara County also recognizes that unfounded accusations of unlawful harassment can have serious effects on innocent parties. Therefore, unfounded accusations will result in the same severe disciplinary action applicable to one found to have engaged in unlawful harassment in any form.

All reports of harassment will be thoroughly investigated. The reporting of false accusations will not be tolerated. False reports will result in severe discipline. In fact, employees who file such reports will be disciplined at the same level as those who are found to be harassing other employees.

## **2.7 Disability Accommodation**

The County is committed to complying fully with all federal, state and local laws concerning the employment of qualified persons with disabilities. A qualified individual with a disability is one who meets the skill, experience, education or other employment requirements for the job being sought or held and can perform the essential functions of the job held or desired, with or without a reasonable accommodation.

The County prohibits discrimination against qualified individuals who have or who are perceived as having a disability with respect to selection and hiring, advancement, termination of employment, compensation, training, job assignments, classifications, organizational structures, position descriptions, lines of progression, seniority or other terms, conditions, and privileges of employment. Further, it is the County's policy to reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job.

An employee seeking an accommodation for his or her disability shall submit a written request to the Human Resources Department with any supporting medical documentation. A medical examination by a County physician or other evaluation may be necessary to identify an appropriate and reasonable accommodation. The County shall endeavor to resolve all accommodation requests in as prompt a manner as is possible.

An individual who cannot be reasonably accommodated for a job, without undue hardship, may not be selected for the position. In addition, if an applicant's physical or medical condition poses a direct threat to the health or safety of individuals in the workplace, and this threat cannot be eliminated by reasonable accommodation, the individual may not be hired. If an employee with a physical or medical condition poses a direct threat to the health or safety of themselves or others in the workplace, the County may place the employee on an appropriate leave, transfer the employee, or otherwise take such action as is necessary to protect the employee or others.

## **2.8 Employee Medical Examinations**

After an offer of employment has been made, a medical examination and/or alcohol and drug screening may be required. If such a post-offer, pre-employment medical examination is required, any offer of employment and assignment to duties will be contingent upon, among

other things, satisfactory completion of this examination and/or screening and a determination by the County and its examining physicians that the applicant is capable of performing the essential functions of the position that has been offered, with or without a reasonable accommodation.

As a condition of continued employment, under certain job related circumstances, current employees may also be required to take medical examinations and/or alcohol and drug screenings. All medical and/or alcohol and drug screenings will be administered consistent with the requirements of applicable federal, state and local laws. Information on an employee's medical condition or history will be kept separate from other employee information and is confidential and disclosed only as necessary. Access to this information will be limited to those who have a legitimate need to know.

## **2.9 Immigration Law Compliance**

Niagara County neither hires nor continues to employ any individual who is not legally authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

## **2.10 Personnel Records**

An employee's personnel record is an important record for both the employee and the County. Employees must notify the Human Resources Department of changes in the following areas so our records may be kept up-to-date:

- You become married, legally separated or divorced
- You change your address or telephone number
- You wish to change the beneficiary of your life insurance where applicable or 457 (deferred compensation) plan
- When there is a change that would affect your medical insurance, such as a change in dependents
- You wish to change the number of dependents claimed for income tax reasons
- You legally change your name
- Individuals to be contacted in the event of an emergency
- Educational accomplishments and new training information

Personnel files are the property of Niagara County and access to the information they contain is restricted. Employees who wish to review their own personnel records should contact the Human Resources Department. With reasonable advance notice, employees may review their own personnel records in Niagara County's offices and in the presence of an individual appointed by Niagara County to maintain the files.

### **3. COMPENSATION POLICIES**

#### **3.1 Policy Statement**

Niagara County's salary administration philosophy has four key objectives:

- To pay competitive salaries that enable the County to attract and retain capable employees
- To relate compensation to the skills required and responsibilities assumed by employees in carrying out their duties
- To afford recognition for individual performance and contribution to Niagara County's success
- To compensate in a way that will motivate personnel to achieve objectives

Any and all compensation matters that arise pursuant to an applicable collective bargaining agreement should be addressed between the appropriate union representative and the County's Human Resources Department.

#### **3.2 Starting Salaries and Increases**

##### **3.2.1 Starting Salaries**

New employees are hired at a starting salary commensurate with their experience, education, and other qualifications and within the parameters of the established salary range for the position.

For those employees covered by a union contract, the starting salary will be in accordance with the applicable collective bargaining agreement.

##### **3.2.2 Salary Ranges**

Each position is assigned a grade level and initial step. The corresponding salary to each grade level and step is determined by management or as otherwise negotiated.

##### **3.2.3 Salary Increase**

All increases occur on an annual basis pursuant to the terms of the applicable collective bargaining agreement or as agreed to between union and management.

For those employees not covered under a collective bargaining agreement, an annual increase in pay may result upon upgrade and reclassification of the position, or as determined in Niagara County's discretion with the approval of the respective department head. Employees who commence employment prior to July 1<sup>st</sup> of a calendar year may first be eligible to receive a salary increase January 1<sup>st</sup>. Employees who commenced employment subsequent to July 1<sup>st</sup> of a calendar year may first become eligible to receive a salary increase upon the subsequent January 1<sup>st</sup> following the employees' one-year anniversary.



### **3.2.4 Special Increases**

A special increase may be granted in cases of exceptional circumstances, if approved by the department head, the County Manager and/or the Legislature. Special increases may be processed in any of the regularly scheduled payroll cycles. Retroactive adjustments are not permissible.

### **3.2.5 Promotional Increases**

If an employee is appointed to a higher grade, the employee's salary may increase based on the new salary range for the higher position. However, a job reclassification/upgrade does not automatically or necessarily result in a salary increase.

### **3.2.6 Reassignment**

If an employee assumes a job with a lower salary range, he or she will be subject to the lower salary range and his or her salary may be adjusted accordingly.

### **3.2.7 Effective Date of All Salary Action**

All salary actions will commence effective the first date of a pay cycle following the effective date.

## **3.3 Employee Categories**

For purposes of salary administration and benefit eligibility, Niagara County classifies its employees and other workers as follows:

**Regular Full-Time** employees are those who are hired to work Niagara County's full-time schedule. They may be eligible for Niagara County's benefit package, subject to the terms, conditions and limitations of each benefit program.

**Regular Part-Time employees** are those who are hired to work fewer hours than Niagara County's full-time schedule and may be ineligible for all or part of Niagara County's benefit programs.

**Temporary** employees are those who are hired to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and scheduled to end in the foreseeable future. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. Temporary employees may also be exempt or non-exempt, as discussed below. They may be eligible for applicable Niagara County benefit programs.

**Exempt or Nonexempt status** - Employees in each of these categories may be designated as either *exempt or nonexempt* under the Fair Labor Standards Act and equivalent state laws.

**Nonexempt** employees are typically paid on an hourly basis and are entitled to overtime pay under the specific provisions of federal and state laws, generally one and one-half (1 ½) times their regular hourly rate of pay for every hour worked over forty in a week. In addition, a

nonexempt employee will be provided premium pay for work performed on a holiday that is not part of his or her regularly scheduled workweek and if the employee elects not to receive a paid day off on another date mutually agreed upon with his or her manager.

**Exempt** employees are paid on a salary basis and are excluded from the overtime requirements of federal and state wage and hour laws. Exempt employees are non-eligible for compensatory time.

An employee's *exempt* or *nonexempt* classification may be changed only upon written notification by Niagara County management. Questions about exempt and nonexempt status should be directed to the Human Resource Department.

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Niagara County, subject to applicable collective bargaining agreements, Civil Service Laws and the Taylor Law.

### **3.4 Position Classification**

The Niagara County Civil Service has the power and duty (a) to classify and reclassify all positions in the Civil Service of all civil divisions under its jurisdiction; (b) to prepare and maintain job classification specifications for each class of positions in the competitive, non-competitive, labor and exempt jurisdictional classes and establish appropriate minimum qualifications for each class; and (c) investigate all matters affecting the classification and reclassification of all positions and from time to time review the duties, responsibilities and qualification requirements of all positions under its jurisdiction and to make revisions in the classification of positions.

Niagara County endeavors to ensure that appropriate relationships are established between the duties of a position and its classification. Periodic maintenance and administration will be performed by the Human Resources Department and Civil Service to ensure appropriate updates are conducted as necessary (includes job title changes). Division/department heads at any time may make a request to the Human Resources Department that a particular position be reviewed for reclassification. The Human Resources Department, Budget Department and ultimately the County Manager will determine whether a review is appropriate, and coordinate any such position review with Civil Service. The classification and reclassification of civil service positions in Niagara County will be in accordance with the Rules of the Niagara County Civil Service.

Those positions covered under a union contract must be presented to the respective union first and foremost in order to re-evaluate and re-classify. No union position can be reclassified and no increase or decrease in pay rate can result without union authorization.

Classification and salary grade changes that result from classification reviews are effective on the date of the County Legislature final approval or date otherwise noted within the resolution.

### **3.5 Overtime**

The County may require employees to work overtime as needed, and employees are expected to be available to work overtime on this basis. When overtime is required, employees will be entitled to overtime compensation in accordance with federal and state law. All overtime work must be authorized in advance by the appropriate supervisor of the employee working the overtime or by the department head. Note that employees are compensated at their regular hourly rate of pay for all hours worked up to forty (40) in a week, even if such hours are in excess of their regularly scheduled hours.

When nonexempt employees are required to work more than forty (40) hours during a standard workweek, employees earn overtime pay at a rate of one and one-half (1 ½) times their regular hourly rate of pay. Overtime pay in this amount will also be paid in addition to the employee's regular compensation for work performed on a holiday that is not part of his or her regularly scheduled workweek and if the employee elects not to receive a paid day off on another date mutually agreed upon with his or her manager.

### **3.6 Pay Procedures and Information**

#### **3.6.1 Payday**

Normally, employees are paid on a bi-weekly basis, on every other Friday. An employee's paycheck will be based on the amount earned during the preceding payroll period. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday. Under usual circumstances, newly hired employees are paid on the next available full pay cycle depending on the timing of their start date.

#### **3.6.2 Paychecks**

The County provides a direct deposit option for employees. If expressly authorized by the employee, the paycheck will be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the County to effectuate this option.

The County will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization to the Human Resources Department, Payroll Department, or to the Director of the department in which he or she works.

#### **3.6.3 Deductions**

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

Payroll deductions provided through the Niagara County payroll system will be made from an employee's paycheck when authorized by the employee, for example United Way pledges. Such deductions will be noted on the paycheck.

The County is committed to ensuring that all employees are fully paid in accordance with the salary arrangements that have been established between them and the County and to fully comply with the requirements established by applicable federal, state and local law. The County does not condone improper deductions from the employees' salaries, and endeavors to ensure that improper docking of employees' salaries, unauthorized salary deductions, payroll errors and the like, do not occur.

Employees who believe that they have been subject to improper salary deductions or have not been fully paid for any payroll period, should notify their department head or payroll, immediately upon discovering such discrepancy, to get the problem resolved. Employees will not be subject to any form of retaliation for raising such an issue or for filing a formal complaint. If it is determined that a salary deduction was improper or that the employee did not receive full compensation for any payroll period, the employee will be reimbursed for any improper deduction or paid any previously unpaid wages in the next payroll period following the determination.

#### **3.6.4 Under/Overpayment of Salary**

During certain periods of transition, e.g. to workers' compensation or disability benefits, an employee may experience either an overpayment or underpayment of salary. In the event the employee is overpaid by Niagara County, the employee is required to reimburse Niagara County an amount equal to the overpayment. In the event the employee is underpaid by Niagara County, the County will pay the employee an amount equal to the underpayment. Both instances, however rare, will be rectified as soon as the discrepancy is detected.

#### **3.6.5 Salary Advances**

Salary advances are not available. Employees who are in a situation of financial hardship may contact the Employee Assistance Program. Additionally, those employees who have a Deferred Compensation Program account or a New York State Retirement System account may be eligible to borrow funds from their account. Any questions regarding hardship withdrawals should be directed to the Deferred Compensation Program administrator or the New York State Retirement System.

### **4. RESIGNATION AND TERMINATION**

If you intend to leave the employment of a Niagara County division, you should give at least two (2) weeks notice to your supervisor. However, the County reserves the right to accept this resignation at an earlier time.

Unless otherwise provided, arrangements will be made for final paychecks during an exit interview conducted by the Human Resources Department. The final paycheck will be provided in accordance with applicable state and federal laws.

## 5. TRAVEL ON COUNTY BUSINESS

### 5.1 Policy

The purpose of this travel policy is to provide County employees, officials and non-employees who are authorized to travel on official business with a reference tool to assist them in managing their travel expenses and to obtain proper reimbursement for such expenses.

Because of the often complex nature of individual circumstances, this guide is general in nature. As such, every reimbursement issue cannot be explicitly covered. For items not specifically addressed, the basic principle to remember is that only actual, necessary and reasonable expenses incurred in the performance of official business, and not for the convenience of the traveler, will be reimbursed. All reimbursements for travel expenses are subject to limitations established by the Niagara County Legislature and collective bargaining agreements consistent with IRS guidelines.

Travelers should be familiar with departmental travel procedures and policies and should consult with their department head/immediate supervisor to resolve travel issues or circumstances not specifically addressed.

Travelers should be familiar with travel policy, procedures, and County vehicle use policy.

No County officer or employee shall, directly or indirectly solicit any gift or accept any gift in the form of travel, entertainment, hospitality, thing, or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence that officer or employee, or could reasonably be expected to influence them, in the performance of his or her official duties or was intended as a reward for any official action. In the absence of clear and convincing evidence to the contrary, it shall be presumed that any gift of less than \$75.00 in value is not violative of this Section.

### 5.2 Definitions

- **Conference, convention, seminar, training, workshop, or meeting** – A formal meeting of individuals for a specific purpose that relates to a Niagara County purpose, an educational meeting for staff development pertaining to job related duties.
- **County employee** - A person who works for the county and is compensated via the Niagara County payroll account.
- **County office** - Any site where a County department or district maintains an office to conduct business.
- **Expenses** - actual and necessary -are costs incurred that are essential to the traveler in the performance of official duties.

- **Field assignment** - A location in the community, which an employee must travel to in the course of conducting the employee's work obligations; examples are client/patient homes, schools, other agency offices, other departmental offices, businesses, industrial or building sites, etc.
- **Guidelines for reimbursement** - Rules and limitations established by the Niagara County Legislature applicable to travel expense reimbursement.
- **Limits** -The maximum allowable travel expenses established by the Niagara County Legislature.
- **Lodging expense** -The charge for staying overnight at a hotel, motel or other lodging facility.
- **Meals** -See Section 5.7, Travel Reimbursement.
- **Mileage** -See Section 5.6, Routine Mileage.
- **Mileage Voucher** - A Niagara County Claim Voucher that requires an approved Statement of Employee Expense Form.
- **Non-employee** - An individual who is neither an official nor county employee as defined herein.
- **Non-routine travel** – travel that is not part of one's normal daily job activity.
- **Normal commute** – the distance from an individual's home to their primary work location.
- **Official** - An elected or appointed individual who acts in an official capacity on behalf of the county.
- **Official county business** – The carrying out of an assignment or mission that is solely in the interest of the county.
- **Per Diem** - Full day meal allowance when traveling overnight or full day (leaving by 7 AM and returning after 7 PM)
- **Primary Work Location**- The county office/site which is the assigned office/site that an employee reports to the majority of the time and/or which has been so designated as the employees permanent assignment.

- **Personal Charge** - Expenditures for laundry, valet service, entertainment, alcohol, and any other expense not related to business, including tipping to bus persons, maids, cab drivers, bell hops, etc.
- **Registration fee** - The charge imposed by a sponsoring entity upon attendees of a conference, convention, seminar, training, workshop or a meeting.
- **Regular working hours** - To be determined by each individual department and/or district.
- **Requests** - The travel authorization process for all county employees, officials, or non-employees to incur expenses when acting on the county's behalf, or passing through the county's financial responsibility.
- **Sales Tax Exemption Letter** - A New York State Tax Exemption Letter should be provided to a vendor to waive the imposition of sales tax or any expense incurred on behalf of the County of Niagara.
- **Secondary Work Location** - A county office/site, which an employee reports to on a regular, or recurring basis, but which is not designated to be the employee's primary work location.
- **Statement of Employee Expense Form** - A summary standard County form used to provide total miles traveled and other data by a person seeking mileage/expense reimbursement.
- **Temporary Work Location** - a site to which an employee is required to report other than his or her work location.
- **Travel expense** - The total costs associated with attending a conference, convention, seminar, training, workshop, or meeting (except county sponsored meetings).
- **Travel local** – (line item . 74057) meals, tolls, parking fees and other allowable expenses.
- **Travel mileage** - (line item . 74062) allowable mileage expense.

### 5.3 Regulations

There are two types of travel addressed in this policy.

As a general guideline, routine mileage traveled in the course of day-to-day County business will be reimbursed according to Section 5.6, Routine Mileage, and must be substantiated by submission of a Statement of Employee Expense Form attached to a standard County Claim Voucher.

Employees are encouraged to check with their immediate supervisor/department head for internal procedures regarding this.

Non-routine travel requires approval that must be obtained prior to travel. Department head or designee approval is required for all mileage and travel reimbursement requests per the Statement of Employee Expense Form. The County Manager will review department head mileage and travel expenses.

Only those active elected officials, active County officers and active employees are eligible for reimbursement and to travel as representatives of Niagara County. On a limited basis, local training or conference expenses, parking expenses and tolls may be reimbursed to a non-County employee (volunteer, special task force or committee member) subject to department head review and approval. If at the time of the travel and conference the elected official, County officer and employee is no longer an active employee of Niagara County, the itinerary must be cancelled or transferred to an active official, active County Officer or active employee.

## **5.4 Responsibilities**

### **Department / District**

Department heads have considerable discretion in carrying out their responsibilities with respect to staff travel and in using funds for travel efficiently. Your department has ultimate responsibility for:

- Designating an employee's work location.
- Authorizing travel only when necessary.
- Maintaining control to ensure that employees are not in travel status any longer than assignments require.
- Determining whether attendance at conventions, seminars, etc., is in the best interest of the County.
- Assuring that expenses claimed comply with the established travel rules and regulations. This includes utilizing governmental rates for lodging, car rental, etc.
- Reviewing and certifying travelers reimbursement claims completely and timely, including a determination that:
  - Claim is within allowable rates.
  - Original receipts are provided when necessary.
  - Dates and times on receipts support travel claimed.
- Once the Travel budget is approved and enacted by the Legislature, the department head does not have to go through the Travel Authorization and Resolution process. The management and accountability for travel funds expended is the responsibility of department heads. The Niagara County Auditor will continue to monitor reasonableness of expenses submitted for



reimbursement. The appearance of excessive transportation or accommodation charges will be referred to the County Manager for review.

## **5.5 Traveler**

Each traveler must know his or her respective responsibilities and be familiar with the responsibilities of all those involved in the process. The traveler has the responsibility for:

- Knowing County travel rules, regulations, policies and procedures.
- Knowing the work location and its effect on your eligibility for travel reimbursement.
- Obtaining necessary prior approval for travel plans, including determining the most efficient itinerary and method of travel.
- Obtaining all necessary travel related documents.
- Maintaining an accurate record of travel expenses including departure and arrival times, including the providing of specific addresses of starting point, destination point and in between stops.
- Obtaining and submitting all necessary original receipts to support travel expenses.
- Completing travel related documents accurately for submission to your supervisor in a timely manner.

## **5.6 Routine Mileage**

Niagara County will review and adjust as appropriate its Standard Mileage Rate to maintain alignment with current IRS standard. The IRS Standard Mileage Rate is the rate that Niagara County uses to reimburse employees for use of personal automobiles on County business.

Actual odometer mileage is to be used for submitting all mileage claims, however, routine travel between the following locations may be used in lieu of actual odometer readings:

Lockport to Niagara Falls	21 miles
Lockport to North Tonawanda	19 miles
Lockport to Youngstown	19 miles
North Tonawanda to Niagara Falls	12 miles
Lockport to Buffalo Airport	18 miles
Niagara Falls to Buffalo Airport	26 miles

The employee must complete the Niagara County Statement of Employee Expense form and attach it to a standard Niagara County Claim Voucher.

Mileage claimed must be consistent with IRS rules and regulations.

At a minimum, mileage must be submitted within forty-five (45) days after the end of a calendar quarter. Any mileage not timely will require written explanation and the County Auditor's approval prior to payment. Untimely submissions may result in payment being delayed/or declined.

Both Niagara County Statement of Employee Expense Form and standard Niagara County Claim Voucher must be complete and accurate upon submission.

**All mileage for official County business will be paid as follows:**

- Round trip mileage will be paid when the trip originates and ends at the work location.
- When an employee starts the workday at a field assignment rather than his or her work location, mileage will be paid as follows:
  - When an employee is required to report to a field assignment or County Office other than his or her usual work location, the County will reimburse the employee at the Internal Revenue Service rate for any additional mileage to work over the normal commute to assigned work location. Said reimbursement will be provided only for the first ten consecutive working days of each such assignment.
  - If the distance from the traveler's home is less than the normal commute, reimbursable mileage will begin at the field assignment.
  - No mileage will be paid when an employee is permanently transferred to another work location.
- When an employee ends the day at a field assignment, if the distance from the field assignment to home is less than the normal commute, mileage will end at the field assignment.
- When an employee ends the day at a field assignment and the distance from the field assignment to home is longer than the normal commute, the employee will be compensated for the additional mileage.
- If an employee is not required to report to his or her work location on any given day, for the purpose of attending a seminar, conference, training, etc., all mileage traveled while on County business may be claimed.

- Mileage will be paid for a round trip from and to the employee's home if the activity is outside regular working hours.
- Parking and tolls accrued while on Official County business will be paid, providing that receipts are attached to the Statement of Employee Expense Form.
- Unusual mileage circumstances must be documented and explained on the Statement of Employee Expense Form - i.e. Detours.
- The employee's supervisor must approve the Statement of Employee Expense Form.

**Option – Meal or Mileage:** An employee who is required to attend a meeting after regular working hours has the right of returning home for dinner and claiming mileage or remaining in town and having a meal reimbursed according to the meal reimbursement guideline, supported by receipt.

Note: Employees planning on traveling 150 miles or more, round trip, are required to use a county vehicle if available, or rent a car (for trips up to 24 hours in duration) as the cost savings for Niagara County will be substantial. A waiver to not use a rental car may be obtained by written request and approval from the County Manager. Employees are encouraged to utilize the rental agency currently under State Contract, and to accept the insurance available through the rental agency. Employees should select a mid-size vehicle. Reimbursement for those opting not to utilize a county car or rental is limited to daily rental cost (including gas at rental car usage rate). Employees and officials are expected to travel in the most economical manner. Smoking is not permitted in County vehicles.

## **5.7 Travel Reimbursement**

### **5.7.1 Submission**

All expenses incurred from travel to conferences, seminars, etc. must be submitted for payment within forty-five (45) calendar days after the expenses are incurred. Any expenses not submitted within said forty-five (45) days will require written explanation and the County Auditor's approval prior to payment. For other mileage see Section 5.6, Routine Mileage.

- **Non-Reimbursable Expenses**
- **Alcoholic Beverages** - Not allowed under any circumstances

- **Personal Charges** - Not allowed under any circumstances
- **Taxes** - Travelers shall utilize and provide a sales tax exemption letter in New York State when incurring all lodging and/or car rental expenses.
- **Telephone Charges** - Personal calls are not allowed
- **Reimbursable Expenses**
- **Car Rental** –Employees should select a midsize vehicle at point of rental as the County will only pay the midsize daily rate. Employees renting a vehicle at a destination will need to support the need for a vehicle for reimbursement to be paid. Employees should return the vehicle with enough gas to avoid excessive charges by the rental company.
- **Lodging** - Ordinary lodging expenses will be eligible upon submission of an itemized, paid bill. The county will only pay the single governmental rate for a standard room or best available rate. The county will not pay for any upgrade in lodging.
- **Mileage** - Actual mileage upon submission of a completed Statement of Employee Expense Form attached to a standard County Claim Voucher. See Section 5.6, Routine Mileage, for details.
- **Parking, tolls** - Expenditures for parking and tolls when supported by receipts.
- **Telephone Charges** - Only for county business, upon submission of an itemized statement.
- **Transportation** - Bus and taxi fares when supported by receipts. All common carriers at coach fare with ticket or itemized, paid bill with a copy of itinerary.

## 5.8 Meals

When traveling overnight or full day as defined the following chart, receipts are not required to receive the appropriate meal allowance. If a conference, etc. includes any meal(s), the meal allowance will not be paid, with the exception of a continental breakfast.

Per Meal Maximum allowance will be determined by the times of departure and return indicated on the approved Statement of Employee Expense Form and County Voucher per the following schedule:

<b>Leave Before or</b>	<b>Return After</b>	<b>Meal</b>	<b>Maximum Allowance</b>
7 AM	8 AM	Breakfast	\$7.00
12 PM	2 PM	Lunch	\$11.00
5 PM	7 PM	Dinner	\$22.00

All meal allowances are inclusive of taxes and gratuities. Any three (3) consecutive meals can be computed at a per diem rate of \$40.00.

If not traveling overnight or full day, individual meal allowances (to the maximum) will be paid when supported by original receipts.

See Section 5.9.3 for Questions and Answers.

## **5.9 Instructions for Completing Forms**

### **5.9.1 Claim Voucher**

This form is to be used for payment of any and all travel expenses. For mileage reimbursement, a completed Statement of Employee Expense Form must be attached to a standard County Claim Voucher.

Only original vouchers will be accepted.

Form must be printed or typed. Any form that is not legible or incomplete will be returned. Original signatures are required. Original invoices are required to be attached.

- **Remit to** - Employee name.
- **Remit to Address** - Employee home address.
- **Charge to** - Department name
- **Invoice Date** - Date on invoice, if applicable, or travel dates.
- **Invoice Number** - Number of invoice, if applicable.
- **Description** - Include a detailed description of expenses which must be properly itemized. The information must be sufficiently detailed to permit a satisfactory audit. The times of departure and return must be stated on the Voucher or Statement of Employee Expense Form. Specific information to be provided within the Niagara County Statement of Employee Expense Form includes specific addresses of

starting point, destination point and in between stops. Dates and times of travel must be provided along with the mileage count.

- **Invoice Amount** - Amount of requested payment.
- **Claimant** - Signature and date is required for reimbursement to an individual. Signature is not required for payments directly to vendors with an itemized invoice attached.

The bottom portion of the voucher must be completed by the department/district.

### **5.9.2 Statement of Employee Expenses**

This form is to be used for mileage, meals, tolls and parking and must be attached to a standard County Claim Voucher.

This form may be copied, provided the copies are legible and complete.

Form must be printed or typed. Any forms that are not legible or incomplete will be returned.

All information indicated by the column headings is required.

Indicate expenses for tolls, parking or meals in the specified column and attach receipts.

Use the Statement of Employee Expense Form Supplement when necessary for additional pages. Please number supplement pages, total each supplemental page and summarize on the first page.

Please submit completed form with required signatures.

### **5.9.3 Questions and Answers**

#### **Question #1:**

If I attend a lunch meeting within Niagara County, would I receive reimbursement?

#### **Answer:**

Only if the meal is included as part of an event or training session.

**Question #2:**

How do I determine if I will receive the Per Meal or the Per Diem rate for meal reimbursement?

**Answer:**

Your travel times determine how your reimbursement request should be submitted per the following examples:

- Leave at 9 AM to go to Syracuse, stay overnight, leave Syracuse at 11 AM the following day, returning home at 3 PM---

Breakfast	not allowed
Lunch-Dinner-breakfast	Per Diem allowance (no receipt required)
Lunch	Per Meal allowance (no receipt required)

- Leave at 3 PM to go to Albany and stay overnight, leave Albany at 4 PM the following day, returning home at 9:30 PM---

Lunch	not allowed
Dinner-Breakfast-Lunch	Per Diem allowance (no receipt required)
Dinner	Per Meal allowance (no receipt required)

- Leave at 6:45 AM to go to Rochester for the day, scheduled meeting until 4 PM, leave Rochester at 4 PM, returning home at 5 PM---

Breakfast	Per meal (receipt required)
Lunch	Per meal (receipt required)

- Leave at 9 AM to go to Jamestown for conference which included lunch, returning home at 5 PM---

Breakfast	not allowed
Lunch	not allowed (included in conference fee)
Dinner	not allowed

**Question #3:**

If I leave the office at 11:30 AM to be to the airport at 12:30 PM for a 2:30 PM flight, am I entitled to lunch?

**Answer:**

Yes. If you will be overnight, this will be the first meal of your per diem.

**Question #4:**

If I leave the office at 12 PM to be to the airport at 1 PM for a 4 PM flight, am I entitled to lunch?

**Answer:**

No, you would not have had to leave the office until 1 PM, therefore, you would be leaving after lunch.

**6. TIME-OFF FROM WORK**

Time off with benefits are available as set forth below for all regular, full-time employees. Regular part-time employees may be entitled to a pro-rated portion of these benefits corresponding to their scheduled hours of service.

It is the policy of the County to provide leave in accordance with all applicable laws and policies, including but not limited to, Family Medical Leave Act, sick leave, medical or Military Leave as well as doctor and dentist visits. Any provision in this Manual or in an applicable collective bargaining agreement providing a benefit greater than that required by law shall remain in full force and effect.

Abuse and/or excessive use of time-off with benefits can disrupt the day-to-day operation of the County and can put additional burden on colleagues of an absent employee. Employees should be aware that abuse and/or excessive time-off with benefits is grounds for disciplinary action including possible suspension or termination of employment.

**6.1 Doctor/Dental Visits**

Medical and dental visits are limited to sixteen (16) hours per calendar year and are for the employee only (family member doctor/dental appointments are not included in this benefit). Visits are limited to a maximum of (2) hours in duration and each employee shall be charged with a minimum of two (2) hours except that if the medical or dental visits are scheduled either at the beginning or the end of the workday, the employee may use leave time in a one (1) hour increment. The employee must provide documentation of the medical or dental visit to the department head or his or her designee upon the employee's return to work.

**6.2 Sick Leave**

Employees are credited with and may use sick leave in accordance with the provisions of the applicable collective bargaining agreement, if any. Non-union employees accrue and use sick leave as outlined below.

Note that the different departments within Niagara County may establish specific requirements concerning call-in procedures for illness, within the terms of any applicable collective bargaining agreement(s). Every employee should become aware of, and adhere to, the requirements of his or her department. Except as otherwise required, employees must personally report absences to



their department head or authorized designee at least one hour prior to their scheduled starting time.

### **6.2.1 Accrual**

Employees earn one sick day per month for every month that they are on the active payroll for more than one-half of the workdays in the respective month. For the purposes of sick leave credits, the time recorded on the payroll at the full rate of pay shall be considered as time “served” by the employee. Unused sick days may be carried-over to subsequent years; however, no employee may maintain more than 185 sick days.

An employee suspended without pay for disciplinary reasons for more than one-half (1/2) of the workdays in any given month shall not be eligible to accrue sick leave.

### **6.2.2 Use**

Sick leave may be utilized by an employee on occasions when an employee is unable to perform the duties of the position because of his or her own illness or disability, or that of his or her immediate family. Immediate family for these purposes includes the employee’s spouse, children, stepchildren and parents residing in the employee’s household.

Employees shall not be entitled to take sick leave during the term of a suspension without pay.

Sick leave may be taken in one-hour, half-day, or full-day increments as may be approved by the department head or authorized designee. Under no circumstances will sick leave be granted in increments less than one hour except where permitted by collective bargaining agreement.

### **6.2.3 Documentation**

Department heads or their authorized designees may require a statement from a medical doctor as to the nature or extent of the employee’s injury or illness that results in an absence of more than five consecutive workdays, or in the event of the illness within the employee’s immediate family that results in the employee’s absence of more than three consecutive workdays. Such documentation may also be required any time sick leave abuse is suspected, in the County’s discretion. In the case of protracted leave of absence, a physician’s statement may be required at the completion of each thirty-day period. If said statement is not produced within one (1) week of the request, it may be grounds for discipline up to and including suspension or termination of employment.

### **6.2.4 Department Head Sick Leave Extension**

Department heads who are permanent employees and who have served continuously for two (2) years shall be granted sick leave with one-half pay for a period of up to six (6) months only after all other accruals and available, authorized leave has been exhausted. The employee must provide appropriate medical documentation every thirty (30) days. An additional period may be granted with the approval of the Niagara County Manager and/or Administration Committee.

### **6.2.5 Return to Work**

While on sick leave, employees are required to report in writing every thirty (30) days to their department head or designee regarding the status of the medical condition and their intent to return to work. If an employee gives unclear notice of intent not to return to work, Niagara County's obligation to restore the employee to employment ceases. An employee whose sick leave was occasioned by the employee's own serious health condition will be required to present a fitness for duty certificate from the employee's health care provider prior to being restored to employment.

So that an employee's return to work can be properly scheduled, an employee on sick leave is requested to provide the County with at least two (2) weeks advance notice of the date the employee intends to return to work. When the sick leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. Exceptions to this provision may apply if business circumstances have changed, *e.g.*, if an employee's position is no longer available due to job elimination. Exceptions may also apply for certain highly compensated employees under certain conditions.

Failure to return to work on the agreed-upon date will constitute the employee's resignation of his or her position.

### **6.3 Vacation**

Vacations are earned and may be taken by employees according to the rules and schedules contained in the applicable collective bargaining agreement, if any. Non-union employees earn and may take vacation as set forth below. In addition, the following rules apply to the use of vacation time by all County employees:

- Vacation time must be earned before it can be taken. The department head or designee must approve the scheduling of vacations in advance and such approval is subject to the work requirements of the department and/or work unit. The County will endeavor to schedule vacation at the times desired by employees, but staffing requirements of the department may at times prevent this.
- Vacation may be taken at such intervals and times as approved by division/department heads. Vacation time must be taken in either half (½) day or full day increments.
- Upon separation from County service for any reason, any unused vacation time, shall be paid.
- Upon retirement, resignation, or death, employees shall receive a vacation credit of one (1) day for each complete month worked not to exceed ten (10) days for employees with less than ten (10) years of service, and not to exceed eleven (11) days for employees with over ten (10) years of service. The

foregoing does not apply to discharged employees or employees with less than one (1) year of service prior to the termination of their employment.

- When a recognized holiday falls on a working day during an employee's vacation or an employee's taking of compensatory time, the day of the holiday will not be counted as a day of vacation or day of compensatory time.
- The employee must arrange with the employee's department or division head and with reasonable advance notice all vacation time. Employees will be given the opportunity to select vacation periods insofar as practical.
- Employees must use their vacation each year. Vacation days may only be carried-over to the next calendar year by approval for use by March 31<sup>st</sup> by the department head, Human Resources Director and County Manager for extenuating circumstances.
- For purposes of vacation accrual, a "month worked" shall constitute any month in which an employee is on the active payroll for at least one-half (1/2) or more of the workdays in any given month. If an employee is on the active payroll for less than one-half (1/2) of the workdays in any given month, he or she shall not receive one (1) day's credit for vacation accrual for that month.

### **6.3.1 Accrual and Use**

Vacation time is earned in the prior calendar year. A new employee earns one (1) day of vacation for each month worked for use after January 1<sup>st</sup> of the next year. The maximum number of days that may be earned in the first year is ten (10). Upon each subsequent January 1<sup>st</sup>, employees will receive vacation days in accordance with the following schedule:

- Ten (10) working days after completion of one (1) year of service.
- Fifteen (15) working days after completion of five (5) years of service. Third week earned after the employee's anniversary date.
- Seventeen (17) working days after completion of eight (8) years of service. Two (2) additional days earned after the employee's anniversary date.
- Twenty (20) working days after completion of fourteen (14) years of service. Three (3) additional days earned after the employee's anniversary date.
- Twenty-five (25) working days after completion of twenty five (25) years of service and thereafter. Five (5) additional days earned after the employee's anniversary date.

### 6.3.2 Department Heads

Department heads are entitled to vacation time with pay in accordance with the following schedule. Continuous service shall be necessary.

- First year: For every full month worked, one day of vacation will be credited for use within the first year to be used by December 31<sup>st</sup> of that year. The maximum shall be eleven (11) days.
- Second year: On January 1<sup>st</sup>, eleven (11) days of vacation will be available for use before December 31<sup>st</sup>.
- Third year: On January 1<sup>st</sup>, eleven (11) days of vacation will be available for use before December 31<sup>st</sup>.
- Fourth, fifth and sixth years: On January 1<sup>st</sup>, sixteen (16) days of vacation shall be credited for use before December 31<sup>st</sup> of each year.
- Seventh year up to twenty-fourth year: On January 1<sup>st</sup>, twenty-one (21) days of vacation shall be credited for use before December 31<sup>st</sup> of each year.
- Twenty-fifth year and beyond: On January 1<sup>st</sup>, twenty-five (25) days of vacation shall be credited for use before December 31<sup>st</sup> of each year.

### 6.4 Emergency Closings

At times, emergencies such as severe weather, fires and power failures can disrupt County operations. In extreme cases, these circumstances may require the temporary suspension of services or operations.

When such emergencies take place:

- Local radio, TV and Internet services will be informed on a timely basis. An announcement that County offices are closed, will apply only to the general public. *Unless specifically stated in the announcement, employees are expected to report to work.* Employees are excused from work *only* if the announcement specifies that employees need not report, or if called by a responsible County official, authorized by the County Manager, and told not to report.
- Employees assigned to Highway, the Water District, Sewer District, and Emergency Services, including the Sheriff's Department are deemed essential personnel. Individuals in these departments are not included in any closing situation, unless explicitly excused by a responsible County official. Employees in other departments will be notified if they are included in this group.

- Employees sent home during a workday or told not to report for an entire shift, will be paid for the shift. Authorization from the County Manager or the Chairman of the Legislature is required before employees are either sent home or told not to report.
- Any emergency that extends beyond the first day, whether by early excuse or cancellation of shift, will not be compensated. However, employees shall be entitled to use accrued benefit time or compensatory time in lieu of unpaid status time due to emergency closures.
- Employees on other paid leave during such emergencies will not be entitled to additional leave time due to emergencies in their absence.
- Employees who do not report for scheduled hours who are not expressly excused from work as stated above, will be subject to progressive discipline.

## **6.5 Bereavement Leave**

It is the policy of the County to recognize the need of employees to have a period of bereavement, for the death of an immediate family member. For the purpose of bereavement leave, immediate family is defined as the employee's: spouse, child or stepchild, parent or step-parent, grandparent, grandchild, spouse's grandparent, siblings, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law or any person occupying the position of a parent of the employee or spouse.

When a death occurs in the employee's immediate family, the employee will be allowed time up to three (3) consecutive regularly scheduled workdays off with pay, beginning with the day of death. If the death occurs after the employee reports to work on a particular day and the employee must leave, that day will not be counted as part of the allowed bereavement days. However, other benefit time must be applied towards the absence. If no such benefit time is available, the employee will not be compensated.

If special circumstances (for example, death out-of-state, delayed funeral or travel arrangements, or other documented individual needs) the three (3) day period may be rescheduled by the department head or authorized designee and by the Human Resources Department to meet such reasonable documented needs. To be eligible for bereavement leave under special circumstances, the employee must attend the funeral/memorial service.

Bereavement pay will be paid only for regularly scheduled workdays. Hourly employees are eligible for up to eight (8) hours per allowed bereavement day at straight-time rate per day for the time actually lost from the employees' regularly scheduled work. Unless Saturday or Sunday (or any other day) is an employee's regularly scheduled workdays, such day will not be paid as bereavement leave.

Bereavement payment will not be made for any allowable bereavement day which coincides with any other paid or unpaid time off work, *e.g.* unpaid leaves, vacation time, County-recognized holidays, etc. Payment in lieu of bereavement time is not allowed at any time.

The employee whose regularly scheduled workweek includes Saturday and Sunday shall be granted one (1) additional day if needed to attend the funeral or memorial service if such funeral or memorial service is scheduled for Monday. If the death occurs after the employee reports to work, that day will not be counted as part of the three (3) days. If a death occurs during an employee's vacation, an additional three (3) days with pay will be granted provided the employee attends the funeral or memorial service.

## **6.6 Family and Medical Leave**

### **6.6.1 Family and Medical Leave Act Covered Leave**

The County provides Family and Medical Leave Act (“FMLA”) leaves of absence without pay to employees who are eligible under the law, and who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; to care for a child, spouse, or parent with a serious health condition; or in the event of the employees’ own serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. Absences or instances of lateness covered by an employee’s use of approved FMLA leave are not considered grounds for disciplinary action.

The County measures FMLA by a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. The employee is entitled to the equivalent of 12 weeks of FMLA leave in a period that begins on the date FMLA leave entitlement is determined. The measurement of FMLA hours used, looks back from the date usage begins, to exactly one year prior. EXAMPLE: An employee requests FMLA on July 23, 2008. Before FMLA is granted, the administrator will review any FMLA hours that may have been taken from July 23, 2007, until July 22, 2008. FMLA hours used during that period, will determine the hours that remain, to be utilized per the new request, as of July 23, 2008. Using a 480 hour potential maximum, if 180 hours had been used in that period, the employee would have 300 hours available as of July 23, 2008. To utilize and track by this method, the same “look back” must be done for each passing day. As the year “rolls”, the “frame” of time measurement changes. In other words on the first day, the “year” is measured as July 23, 2007 – July 22, 2008. On the second day, the “year” is measured as July 24, 2007 – July 23, 2008, on the third day the “ year” is measured as, July 25, 2007 – July 24, 2008 and so on.

Effective January 16, 2009, The National Defense Authorization Act (NDAA) will amend the FMLA to allow eligible employees of covered employers to take FMLA-qualifying leave because of any qualifying exigency arising from the fact that a spouse, son, daughter or parent of the employee is on active duty or has been notified of an impending federal call or order to active duty in the Reserve or National Guard.

The NDAA also provides, effective January 16, 2009, that an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered, wounded service member or covered

service member that becomes ill or is seriously injured while on active service is entitled to a total of 26 workweeks of leave during a single 12-month period to care for the covered service member with a serious illness or injury.

### **6.6.2 Eligibility**

Niagara County will deem an eligible employee to be on a FMLA leave immediately upon commencing his or her qualified leave. FMLA leave will run concurrently with all other types of leaves. An employee must have completed twelve (12) consecutive months of service and worked at least 1,250 hours in the 12-month period preceding the leave to be eligible for such leave.

If the FMLA leave is planned in advance, requests for family or medical leave should be submitted to the Human Resources Department, using the County's Certification of Health Care Provider form, at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting FMLA leave related to the employees' own serious health condition or the serious health condition of a child, spouse, or parent will be required to submit a Certification of Health Care Provider form verifying the need for leave, its beginning and expected ending dates, and the estimated time required. Failure to provide a certificate may delay the start of FMLA leave. If FMLA leave is required to care for a family member of the employee with a serious health condition, the employee is required to indicate the type of care he or she will provide and an estimate of the time period such assistance is needed. If, at any time, the Human Resources Department questions the validity of the need for the leave, a subsequent recertification or second medical opinion may be required.

Eligible employees may request up to a maximum of twelve (12) weeks of FMLA leave within any 12-month period. Any combination of FMLA covered leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than thirty (30) calendar days. Married employee couples may be restricted to a combined total of twelve (12) weeks leave within any 12-month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Employees will be required to first use any accrued paid leave time such as sick time and vacation while taking FMLA leave. Once such benefits are exhausted, the balance of the leave will be without pay unless the employee is eligible for short-term disability benefits in accordance with applicable state law.

### **6.6.3 Maintenance of Benefits**

Subject to the terms, conditions, and limitations of the applicable plans, the County will continue to provide health insurance benefits for the full period of the approved FMLA covered leave. Any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If an employee's share of the premium payment is more than thirty (30) days late, his or her group

health insurance benefits may be terminated, subject to the availability of continuation coverage under COBRA.

All benefits that operate on an accrual basis, *e.g.*, vacation and sick days will cease to accrue during any period of FMLA leave which is unpaid for more than one-half (½) of the workdays in any given month. Accruals will resume upon return to active employment. Benefit and longevity dates will be adjusted for unpaid leave.

#### **6.6.4 Return to Work**

While on leave, employees are required to report in writing every thirty (30) days to their department head or designee regarding the status of the medical condition and their intent to return to work. If an employee gives unclear notice of intent not to return to work, Niagara County's obligation to restore the employee to employment ceases. An employee whose FMLA leave was occasioned by the employee's own serious health condition will be required to present a fitness for duty certificate from the employee's health care provider prior to being restored to employment.

So that an employee's return to work can be properly scheduled, an employee on family and medical leave is requested to provide the County with at least two weeks advance notice of the date the employee intends to return to work. When an FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. Exceptions to this provision may apply if business circumstances have changed, *e.g.*, if an employee's position is no longer available due to job elimination. Exceptions may also apply for certain highly compensated employees under certain conditions.

Failure to return to work on the agreed-upon date will constitute the employee's resignation of his or her position.

#### **6.7 Adoptive Leave**

The County may grant employees an unpaid leave of absence for a period not to exceed six (6) months commencing on the date of the adoption of a child, subject to the approval of the employees' department head. An extension beyond the six (6) month period may be requested if necessary and such request will not be unreasonably denied if leave runs concurrently with FMLA; however, no leave under this Section shall exceed a total of twelve (12) months.

A written request for such leave must be provided to the requesting employee's department head at least five (5) working days in advance of the commencement of the leave whenever possible. The requesting employee shall provide the department head with a copy of the notice of adoption and shall provide the department head with a written statement of the duration of the leave.

#### **6.8 Child Rearing Leave**

Upon written notification to the department head, an employee may be allowed up to ten (10) months of unpaid personal leave for the purpose of child rearing upon the birth of a child. Child rearing leave runs concurrent with FMLA. If both parents are employees, additional time may be granted.



## **6.9 Required Courses, Seminars and Workshops**

Time spent in required or mandated courses directly related to an individual employee's position with Niagara County will be considered time worked, and will be compensated at the employee's regular rate of pay and/or overtime rate of pay, as appropriate.

## **6.10 Leave for Service in Exempt, Non-Competitive or Unclassified Service**

An employee holding a position in the competitive class on a permanent basis for at least one (1) year who is appointed to serve in a position in the County service which is in the exempt or non-competitive class or in the unclassified service may, at the discretion of the appointing authority or authorized designee, be granted a leave of absence without pay during such service for a period not exceeding one (1) year. Such leave of absence may, at the discretion of the appointing authority or authorized designee and with the approval of the Niagara County Personnel Officer, be renewed, provided, however, that no such leave of absence without pay shall extend beyond four (4) years from the date such employee left the competitive class position. At the conclusion of the maximum four (4) years leave of absence, the employee must either return to his or her original position or provide a written resignation from the original position. Failure to do either will constitute the employee's resignation of his or her original position.

All leaves of absence and subsequent reinstatement shall be governed by the rules adopted from time to time by the Niagara County Civil Service.

## **6.11 Leave to Study**

For those employees not covered by collective bargaining agreement, full time leave for study or examinations with no pay, part pay, or full time pay is granted in special cases and is determined on the individual factors affecting the request. Approval shall be within the discretion of the department head or authorized designee and the County Manager. Employees may be granted two (2) hours off per week to attend school under the following conditions:

- The course must be directly related to the work of the department and increase the usefulness of the employee to the department.
- It must be a course that is not available during after-work hours.
- The work of the office makes it possible for the employee to be spared for that amount of time.
- It must be a course offered by a recognized college, university or school.

## **6.12 Other Unpaid Leaves of Absence**

In its discretion and in accordance with the provisions of the Niagara County Civil Services Rules, the County may provide unpaid leaves of absence to employees who are not otherwise entitled to leave. If a leave of absence includes both paid and unpaid time off, the paid time must

be used prior to the commencement of unpaid leave. Except as otherwise provided by law, upon return to work, the employee will return to his or her regular job, or a similar job, providing that the job and the circumstances of the County are such as to make reinstatement reasonable and possible. In no case shall any total continuous leave without pay exceed twelve (12) months without the approval of the Niagara County Personnel Officer.

Each request for an unpaid leave of absence will be considered individually, on its own merits, and shall be dependent on circumstances concerning the interest of the County in providing uninterrupted services to its constituents. Factors to be considered by the County in approving or denying requests for leave of absence include, but are not limited to, (1) applicable laws and regulations; (2) applicable collective bargaining agreements; (3) the length of the requested leave; (3) the current and projected workload of the affected department; (4) the expense and availability of the required temporary replacement; (5) any other legitimate needs of the County.

The granting of an unpaid leave of absence in any particular instance shall not be considered as establishing precedent for any grants of future leave.

Group insurance benefits (medical, dental and prescription coverage) will be continued for the duration of emergency leave provided the employee continues to make his or her contribution to the plan.

All benefits that operate on an accrual basis, *e.g.*, vacation and sick, will cease to accrue during an unpaid leave of absence for more than one-half (1/2) the month, will resume upon return to active employment. Similarly, pay for holidays will not be provided to employees while on unpaid leave.

Under no circumstances will an employee be granted a leave of absence to pursue employment opportunities with another employer.

### **6.13 Procedure**

All requests for leaves of absence must be made in writing and provided to the employee's department head or authorized designee for review and approval. Once approved at the department level, the request is to be sent to the Human Resources Department for review and final approval by the Human Resources Director and the County Manager.

An employee who has been denied permission for a leave of absence may appeal the denial in writing to the Human Resources Director within 10 business days from the day the decision was rendered.

### **6.14 Personal Leave**

Regular full-time employees who are not department heads may be entitled to receive three (3) days of paid leave which may be taken in one-hour increments, for personal business subject to the following conditions:

An employee is not eligible for a Personal Leave Day until the completion of ninety (90) days of employment following the original date of hire.

Personal business leave shall be deemed to mean a personal leave day to conduct personal business of such nature that it cannot be conducted at a time other than the employee's regularly scheduled working hours.

Written request shall be made to the department head, at least three (3) days prior to the day of leave, except in case of emergency.

The personal leave day shall not apply on the day before or the day after a holiday or in conjunction with a vacation except at the discretion of the department head.

The department head may disapprove the use of a personal leave day when the number of personal leave requests, falling on one day, endangers the proper function of the department.

If personal leave days are not used during the calendar year, the remaining personal leave days shall be added to the employee's sick leave accumulation, subject to the maximum allowable accrual.

No employee shall be compensated for any unused personal leave days, subsequent to his date of termination from County employment.

#### **6.15 Department Head Personal Days**

Except as provided above, department heads receive three (3) personal days per year which first accrue on the date employment commences. Personal days not used during the calendar year will be added to the department head's sick leave accumulation, subject to the maximum allowable accrual.

#### **6.16 Holidays**

Niagara County normally provides pay for several designated holidays to all eligible employees. A holiday schedule will be posted each year. The following are the legal holidays:

New Year's Day	Columbus Day
Martin Luther King Jr. Day	Election Day
President's Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	*Floating Holiday

Holidays falling on a Saturday are normally observed on the Friday preceding the holiday, and those falling on a Sunday are normally observed on the Monday following the holiday. To be eligible for holiday pay, excluding the floating holiday, an employee must receive pay on the last scheduled day immediately preceding and the first scheduled day immediately following the holiday. Payment for required work performed on the day a designated holiday is observed shall be at the rate of time and one-half the employee's regular rate of pay. In addition, employees required to work on the day a designated holiday is observed shall be entitled to receive one compensatory day off or an additional day of pay.

If the day a designated holiday is observed falls within the vacation period of an employee, the employee's accrued vacation leave shall be credited with the holiday(s) falling within the vacation period.

### **6.17 Jury and Witness Duty**

Employees called and/or selected for jury duty are granted jury duty leave. All such employees shall receive compensation equal to their regular compensation (if on duty) in full. Employees must complete the appropriate Court System form that states they are being fully compensated by Niagara County. To the extent compensation is received, employees should remit the full amount to the County. The employee may retain reimbursement for expenses.

Department heads or their authorized designee shall grant leave of absence with pay to any employee who is subpoenaed or ordered by the Court to appear as a witness.

Employees are expected to come to work on those days when their attendance in court is not required or is needed for less than half of the normal workday.

### **6.18 Military Leave**

Niagara County supports its employees' service in the uniformed service and provides employment protections and benefits while employees serve our country, in compliance with all applicable state and federal laws, including USERRA and New York State Military Law.

#### **6.18.1 Military Leave (New York State Law)**

This Section refers only to paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. Niagara County recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The County will grant such leave with pay for up to twenty-two (22) workdays or thirty (30) calendar days, whichever is greater, in any one continuous period, in a calendar year. Such military leave beyond the twenty-two (22) workdays or thirty (30) calendar days in a calendar year will be unpaid, however, accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State Law, the employee may keep all pay received for military service.

#### **6.18.2 Military Leave of Absence (Federal Law)**

An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

#### **6.18.3 Requesting and Reinstatement from Military Leave**

If an employee is called to active military duty, or to Reserve or National Guard duty or training, or if the employee volunteers, he or she should notify his or her supervisor as soon as possible. Written documentation of military orders should be provided, if possible.

An employee returning from military duty that does not exceed five years (or longer as required by law) is entitled to re-employment without loss of length of service provided he or she was

discharged under honorable or general conditions. Qualified employees will be reinstated to their former position, a similar position, or to a position, which would have been attained had they continued to work. Employees, upon completion of military service, must notify the County of their intent to return to employment as follows:

- Employees who have been on leave for up to thirty (30) days, must report to work on the day following their safe travel home, after an eight (8) hour rest period.
- Employees whose military leave lasted thirty (30) to one hundred eighty (180) days must report to work within fourteen (14) days of return.
- Employees whose military leave lasted more than one hundred eighty (180) days but less than five (5) years must report to work within ninety (90) days of receiving a general discharge.

#### **6.18.4 Employee Benefits while on Military Leave**

During an unpaid military leave of absence, Niagara County continues to subsidize an employee's group health care benefits for up to 30 days. Employees absent on military leave for 31 days or longer are eligible for family health benefit coverage from the military. They also can arrange to continue their coverage under Niagara County's group health plan for up to 24 months. Employees opting for continued coverage under Niagara County's health plan are responsible for paying 102 percent of the premium cost. Upon re-employment after a period of military leave, the employee's health insurance will be reinstated without any exclusionary or waiting period.

Employees on military leave continue to accrue vacation or any other leave. The period of leave counts toward an employee's length of service for purposes of determining the rate at which employees earn vacation after returning. Similarly, for purposes of determining benefits and pay when employees return from leave, time spent on military leave counts as service with Niagara County.

Employees who have accumulated vacation leave can schedule vacation at the same time as military leave and be paid. However, employees are not required to use their vacation time while on military leave.

#### **6.18.5 Non-Discrimination in Relation to Military Leave**

The County prohibits discrimination in hiring, retention, promotions and other benefits of employment against any person or employee who exercises or may exercise his or her right to take military leave and also prohibits retaliation against any such person or employee.

## **7. OTHER EMPLOYEE BENEFITS**

### **7.1 Longevity Bonus**

An employee completing the following years of consecutive paid employment by the County shall be eligible to receive cumulative longevity payments as follows. Longevity date is adjusted for time off the payroll.

10 years of service: \$225 per year

14 years of service: \$500 per year

20 years of service: \$825 per year

25 years of service: \$1,150 per year

### **7.2 Flexible Spending Account**

Upon eligibility, the County will deposit, in a flexible spending account, \$310 (subject to adjustment) per employee per year to be used for only vision and/or dental expenses. Employees are also eligible to participate in a Healthcare Flexible Spending Account (maximum of \$1200 deduction per year) and/or a Dependent Care Flexible Spending Account (maximum \$5000 deduction per year). If participation in these plans is desired, applicable enrollment forms must be submitted to the Risk Management Department within thirty (30) days of hire and annually during the open enrollment period.

### **7.3 Health Care**

Niagara County maintains group insurance programs for eligible employees. Upon eligibility, the County will contribute to the cost of monthly premium or a payment “in lieu of” premiums, in an amount consistent with the County’s insurance plans, policies and collective bargaining agreements. To enroll in a group health insurance program, employees must complete and submit all necessary enrollment forms to the Risk Management Department within thirty (30) days of hire. Additional information regarding eligibility for coverage, cost to employees, and the County’s contribution level is available from the Human Resources Department and/or Risk Management Department.

### **7.4 Health Care Waiver**

A maximum waiver consisting of \$500 for a full year waiver of single coverage, or \$1000 for a full year waiver of family coverage shall be extended to active employees who are eligible for coverage provided by the County. Payment shall be made biannually in two equal installments in July and January, to cover the preceding six months of waived insurance. To participate in the health care waiver program, employees must sign and submit a health care waiver to the Human Resources Department.

## **7.5 Health Care Continuation Coverage**

In the event of an employee's termination of employment (except for gross misconduct) or reduction of hours below twenty (20) hours a week, the employee, spouse, and dependent children are entitled by law to purchase continuing health care coverage under the County's group health plan for up to eighteen (18) months. If the employee or any family member is disabled, the disabled individual and non-disabled family members are entitled to an additional eleven (11) months of continuation coverage.

In the event of an employee's death, divorce, or legal separation, or a retiree losing coverage under the County's group health plan because of enrollment in Medicare, the spouse and dependent children of the employee or retiree have the option of purchasing continuing coverage under the County's group health plan for up to thirty-six (36) months. If a dependent child loses coverage under the County's group health plan because he or she has reached twenty-five (25) years of age, the child can purchase continuing health care coverage under the County's group health plan for up to thirty-six (36) months. Employees absent on military leave may be eligible to continue their coverage under the County's group health plan for up to twenty-four (24) months.

Employees or qualified beneficiaries electing COBRA coverage are responsible for paying the cost of the continuing health care coverage. The purchase price of continuing coverage is the full cost of the premium the County pays for similarly situated active employees, plus two percent (2%) to help pay for administrative costs. During the eleven (11) months of extended coverage for disabled employees or family members, the cost is one hundred fifty percent (150%) of the County's group premium rate.

This continuing health care coverage terminates before the expiration of the 18-, 29-, or 36-month period if the employee or qualifying family members become covered under another group health plan that provides comparable benefits and does not penalize the newly covered individual(s) for preexisting conditions. The County's continuing coverage also terminates if premiums are not paid on time or if the County discontinues all of its group health plans for all employees.

All employees must inform the Risk Management Department within sixty (60) days of a divorce or legal separation or when a dependent child reaches twenty-five (25) years of age. It also is essential that the Risk Management Department have a current address for all employees and family members.

This policy statement is a brief description of the Health Care Continuation Plan and does not fully explain employees' rights. Employees should read the notice they receive when they first enroll in the group health plan or the Summary Plan Description for a full explanation. Copies of the notice and Summary Plan Description can be obtained from the Risk Management Department.

## **7.6 Deferred Compensation Plan**

Eligible employees may participate in Niagara County's existing deferred compensation plans currently in effect, pursuant to the plan rules and policies.

## **7.7 Retirement System Participation**

It is mandatory for all permanent employees to join the New York State Employee's Retirement System. An application will be provided to such employees during their initial employment, or any time thereafter upon receiving permanent status. All non-mandatory employees (temporary, provisional, part-time), whose membership is optional, may elect to decline membership, or may join by filing a membership application. The contribution rate to the Retirement System is three percent (3%) of gross earnings to be deducted each pay period.

## **7.8 Life Insurance for Department Heads**

Department heads will be covered by a \$10,000 term life insurance policy during the term of their full-time employment, pursuant to the terms of the policy selected by the County in its discretion.

## **7.9 Workers' Compensation Insurance**

Niagara County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period, or, if the employee is hospitalized immediately.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately to the department head or designee and the Risk Management Department. All appropriate incident reports and forms must be completed and submitted timely.

Employees out of work due to a workers' compensation covered illness or injury may be entitled to leave in accordance with the County's leave policies, as set forth above.

In the event that time-off from work due to a workers' compensation injury is considered as a medical leave subject to FMLA leave entitlement, the leave will automatically be applied towards the full period of absence.

An employee may draw from his or her sick leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay. The County will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Manual.

## **7.10 Disability Insurance**

The County maintains a disability insurance plan in accordance with the laws of the State of New York, for all applicable employees who have been continuously employed by the County for at least four consecutive weeks.

Eligible employees will be entitled to benefits in accordance with the policy, the terms and provider of which may change from time to time. Employees may request disability leaves if



any mental or physical illness, injury or condition (including pregnancy) renders them unable to safely perform their normal duties. To make a request, employees must complete the appropriate disability form notice and proof of claim for disability benefits DB-450 11-98. All disability leaves are subject to the approval of the Disability Insurance Carrier. The County may require that employees on or requesting a disability leave submit additional medical documentation or undergo an independent medical examination by a physician selected by the County (at the County's expense).

All covered employees (except for department heads and flat salaried employees) are required to contribute sixty cents (\$.60) per week towards the cost of disability insurance to be deducted from their paychecks.

- All eligible employees will participate and will contribute sixty cents (\$.60) per week toward the cost of disability insurance to be deducted from their paychecks.
- Five working days or seven-calendar day waiting period, whichever is less, after injury or illness, is required before drawing benefits.
- Employees, at their option, may use accumulated sick time during the waiting period. Sick time must be used in half-day increments while the employee is receiving benefits from this plan.
- Vacation leave that is unused at the end of a calendar year due to an employee on disability will convert to sick leave. Requests to carry over vacation time must be made pursuant to Section 6.3 of this Manual.
- Employees will not earn vacation, sick leave or personal leave credits while receiving just disability benefits.
- Employees will earn one-half (1/2) a vacation day and one-half (1/2) sick leave day while receiving disability benefits, if they are on the active payroll for more than one-half (1/2) of the workdays in any given month. The employee will be considered to have no interruption of service while receiving benefits.

Disabled employees may continue health insurance by paying the premiums required or if eligible under any other provision of this Manual.

Disability leaves may not, under any circumstances, extend beyond the period of an employee's actual disability.

Employees returning from disability leaves must submit to the Human Resources Department a physician's statement authorizing them to return to work. The County reserves the right to require that employees returning from disability leaves submit additional medical documentation or undergo an independent medical examination by a physician selected by the County (at the County's expense).

## **8. EMPLOYEE CONDUCT**

### **8.1 Attendance Policy**

#### **8.1.1 Requirement**

Employees are required to maintain satisfactory attendance and report to work on time and work for all scheduled hours every workday. Employees who exhibit a record of unacceptable tardiness, early departures or excessive absenteeism may be subject to disciplinary action up to and including termination of employment.

#### **8.1.2 Notification procedure**

When employees will be late reporting to work by fifteen (15) minutes or more or absent without prior approval, they must notify their supervisor within fifteen (15) minutes of the scheduled starting time. If possible, employees must call personally and speak directly with the supervisor. If voice mail messages are left, continued attempts must be made to speak with your supervisor directly. Employees should not rely on friends, relatives, or co-workers for communicating their absence to the supervisor. Employees who will be absent for an indefinite period due to illness or emergency must inform their supervisor each day and keep the supervisor informed of when they likely will return to work.

#### **8.1.3 Discipline for Tardiness**

Nonexempt employees who are late reporting to work by fifteen (15) minutes or more will have their pay docked in an amount equal to at least one-quarter of their hourly rate. In some cases, with their supervisor's approval, nonexempt employees can be allowed to make up the lost time. Employees who have recurring late arrivals, whether more or less than fifteen (15) minutes, are subject to disciplinary action, up to and including termination of employment.

#### **8.1.4 Discipline for Unscheduled Absences**

Unscheduled absences place an unfair burden on co-workers, impede operations and productivity and should be avoided. Frequent unscheduled absences, including late arrivals and early departures, are grounds for discipline, up to and including termination of employment. In addition, employees who fail to provide proper notification of late arrivals and unscheduled absences are subject to discipline, up to and including termination of employment. Any employee who is absent for three working days without notification is deemed to have resigned voluntarily.

### **8.2 Bulletin Boards**

Bulletin Boards are located at each Niagara County facility to provide information to employees. From time to time, the County will post notices on the bulletin boards for your information. Only notices authorized by the Human Resources Department are permitted to be posted.

Check the bulletin boards regularly for information on job postings, holiday notices, policy changes, employee and organization announcements, and health care benefit information.

### **8.3 Discipline and Work Rules**

Whenever groups of people work together, rules are necessary to protect the rights of all concerned. All employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that both in your business and in your personal life you refrain from any behavior that might be harmful to you, your coworkers, and/or the County, or that might bear negatively on the County generally.

Because conduct both on and off duty may reflect on the County, employees are encouraged to observe the highest standards of professionalism and behavior at all times. Disciplinary action will be taken in instances where an employee fails to conform to expected standards of employee conduct and behavior or violates any of the County's rules and regulations. The decision to impose a disciplinary penalty, and the penalty to be imposed, shall be in the sole discretion of the County. Depending upon the nature of the incident(s), an employee may be terminated immediately or the County may take progressive disciplinary action.

Listed below are some of the rules and regulations of the County. This list should not be viewed as being all-inclusive. Types of behavior and conduct that the County considers inappropriate and which could lead to disciplinary action up to and including an unpaid suspension or termination of employment without prior warning, at the sole discretion of the County, include, but are not limited to, the following:

- Violation of any County policy or procedure.
- Drinking alcoholic beverages or possessing alcoholic beverages or drugs on County property and/or premises.
- Reporting for work under the influence of alcohol or drugs, or when suffering from an alcoholic hangover, or in an apparent unsafe condition.
- Insubordination, including deliberate failure or refusal to perform assigned work.
- Falsifying County records or making false statements regarding County records.
- Misrepresentations, falsifications or material omissions during the application process or during any County investigation or inquiry.
- Abuse, deliberate damage, destruction, misuse or unauthorized use of County property or another employee's property.
- Fighting or horseplay.
- Stealing or unauthorized possession of County property or another employee's property.
- Tampering with or punching "in" or "out" the time card of another employee. Tampering with your own time card or repeated failure to punch "in" or "out".

- Threatening, intimidating, coercing, abusing, insulting or otherwise interfering with another employee including sexual harassment and other forms of unlawful harassment.
- Sleeping during working hours.
- Unauthorized entry on County property and/or premises while under suspension.
- Unauthorized removal of safety devices from equipment.
- There will be no solicitation, which means no selling of products or services on Niagara County premises and/or on County time.
- Possession of firearms, dangerous weapons or materials on County property and/or premises.
- Leaving the County facility and/or premises without permission during working hours, or entering the County facility or any work area without permission during nonworking hours.
- Disregard for work rules regarding safety issues, good personal hygiene and professional appearance.
- Employees must notify their department head or designee of any other criminal activity within five (5) calendar days of the charge. Within thirty (30) calendar days of receiving notice of a conviction, the County may take disciplinary action against the employee.

The list of rules is not expected to be all inclusive, and we have not attempted to list all rules, which would otherwise be expected through common sense or courtesy. Any employee whose performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory in the judgment of the County, based on violations either of the above or of any other County policies, rules, or regulations, may be subject to disciplinary action.

In addition, any employee who: (a) withholds relevant information concerning a violation, (b) facilitates a violation, fails to report a known violation, or otherwise fails to exercise appropriate due diligence to prevent violations within their scope of responsibility, (c) retaliates against an individual for reporting a violation or assisting the County in its investigation of a violation; or (d) falsely accuses another employee of a policy violation will be subject to disciplinary action.

#### **8.4 Drug-Free Workplace Policy**

In accordance with Resolution Number HR-019-98 passed on May 19, 1998 by the Niagara County Legislature, Niagara County certifies that it will provide a drug-free workplace and it is publishing this policy statement to notify employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in every county workplace and disciplinary action, up to and including termination of employment, will be taken against employees for violation of this prohibition.

Supervisors and managers will establish an ongoing drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace; the County's policy of maintaining a

drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

All employees should refer to their applicable union contract, departmental policies, and/or Niagara County policies regarding “Reasonable Suspicion Drug and/or Alcohol Testing”.

#### **8.4.1 Drug And Alcohol Use**

It is Niagara County’s desire to provide a drug-free, healthful, and safe workplace; to establish a procedure by which the County can comply with the Drug Free Workplace Act of 1988 and to protect the reputation of the County and its employees. To promote this goal, the following rules apply:

- No employee may consume, possess, sell, transfer or purchase illegal drugs while on duty, or on County property and/or premises, or in any County vehicle.
- No employee may report to work or be on duty with a detectable level of illegal drugs or alcohol in his or her system (as evidenced by a positive result on a drug/alcohol test).
- No alcoholic beverage will be brought onto or consumed on County property (including vehicles) and/or premises except as authorized in connection with County-sponsored events.
- No prescription drug may be brought or consumed on County property and/or premises by any person other than the one for whom it is prescribed. Such drugs will be used only in the manner, combination and quantity prescribed. Employees should not work while taking a prescribed drug if use of the drug will adversely affect the employees’ ability to do the job safely and efficiently.
- Employees working under a federal grant must notify the Niagara County Human Resources Department in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days following such conviction.

The County reserves the right to immediately terminate an employee whose performance or conduct, aside from testing positive on a drug/alcohol test, otherwise warrants termination of employment.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment. Such violations may also have legal consequences.

Employees with drug or alcohol problems that are not the immediate subject of disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through Niagara County’s health insurance benefit coverage. Leave may be granted if the employee abstains from use of the problem substance; abides by all Niagara County policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not

cause Niagara County any undue hardship. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

#### **8.4.2 Drug Testing Policy**

To help ensure a safe and healthful working environment, job applicants and employees may be asked to provide body substance samples (such as urine, hair and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing or tampering with a test shall be deemed to constitute a positive test result, which may result in disciplinary action, up to, and including termination of employment. Employees having a work related injury or who are involved in an accident might be sent for a drug and alcohol test. As well, certain employees may be required to undergo drug testing as required by law.

Each employee must abide by this policy and notify the employee's department head or designee of any criminal drug statute charge for a violation within five (5) calendar days of the conviction. Within thirty (30) calendar days of receiving notice of a conviction, the County will take disciplinary action against the employee and/or require such employee to satisfactorily participate in drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

### **8.5 Ethics and Conduct**

#### **8.5.1 Conflict Of Interest**

Every employee is prohibited from engaging in any conduct or business relationship that could result in a conflict of interest for the County. The phrase "conflict of interest" encompasses direct conflicts, indirect conflicts, potential conflicts and situations, which could be construed as having an appearance of impropriety. Stated differently, employees must avoid business relationships and dealings that could sway or manipulate their ability to conduct Niagara County's business affairs in an objective and fair manner. If you are unclear about whether a particular item violates this policy, please contact a member of management for clarification.

In accordance with the foregoing, no County employee shall, directly or indirectly, solicit any gift or accept any gift in the form of travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence that employee, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action. See the Niagara County Code of Ethics handbook for additional regulations.

#### **8.5.2 Compliance With Laws**

Employees must conduct all business affairs in compliance with applicable federal, state and local laws and regulations.

#### **8.5.3 Reporting Violations**

Employees must notify management regarding any actual or potential conflict of interest involving Niagara County, or any other violation of the County's policies, regardless of the

employee(s) involved or their position with the County. Information received from any employee will, to the extent practical, be kept confidential.

As a general rule, employees should direct any inquiries, questions or concerns regarding the County's policies to their immediate supervisor. If the employee feels that further action or clarification is required, he or she should contact the Niagara County Manager, Human Resources Director or the Chairman of the Legislature, or any other member of management.

#### **8.5.4 Anti-Retaliation Provision**

No employee will be disciplined or retaliated against with respect to any term or condition of employment for exercising his or her good faith reporting obligations under the County's policies and/or Code of Ethics.

#### **8.6 County Property**

Employees are responsible for all County property, materials, or written information issued to them or in their possession or control. Employees must return all County property immediately upon request or upon termination of employment.

No County funds or assets, including the work time of any employee, will be utilized for the personal benefit of any employee, individual and/or entity whether employed or not employed by the County. Except as authorized for business purposes, removal of County property from Niagara County facilities without permission may be regarded as theft. No item of County property may be destroyed or materially altered without permission. If any employee is found with County property in his or her possession or has been in violation of this policy in any way, he or she will be subject to disciplinary action up to and including termination of employment.

#### **8.7 Access to Facilities**

Employees may not remain inside any plant or in any other working area during off-duty hours. Use of County bulletin boards and mail distribution systems is strictly prohibited for non-county business activity.

Visitors (including family members and retired employees) are not allowed on County property and/or premises except when authorized by management. Employees observing unaccompanied persons/strangers in the plant should tactfully offer to help the person/stranger and immediately report the incident to their supervisor. All visitors, off-duty employees, suspended employees, terminated employees and retirees must check-in at the reception desk with the department head or designee before entering the Niagara County worksite or any other work area. The visitor must observe all safety rules and be accompanied by an authorized manager or designee at all times.

#### **8.8 Computer, Internet and Electronic Mail Usage**

Niagara County has adopted and distributed an Information Security Policy (May 2, 2005). Resolution No. AD-020-05 adopted the Policy on May 3, 2005 to prevent the misuse of County information technology systems.

Niagara County is taking a proactive stance to recognize and investigate potential situations that may place County employees or County assets in jeopardy when County information technology systems are misused.

A surveillance software program is part of this strong effort. This program allows the County to monitor e-mail communications on County computer workstations. The results of such monitoring are kept confidential as part of active personnel investigations.

The results are gathered by the Director of Data Processing, as the County's Chief Information Officer, at the direction of the County Manager. The results once gathered are submitted to the County Manager, who reviews them, in consultation with the Human Resources Director, and, with the advice of the County Attorney and/or the County's outside labor counsel, determines how they will be used. With regard to law enforcement personnel related matters, two-way communication will be maintained. Department heads with law enforcement responsibilities may invoke the protocol to deploy the surveillance by contacting either the Human Resources Director or the County Manager. If surveillance is contemplated by the County Manager with regard to law enforcement personnel related matters, prior to surveillance, the County Manager will contact and consult with appropriate law enforcement department heads, including the District Attorney and/or Sheriff.

The protocol for deployment of the surveillance software program is:

A department head and/or the Human Resources Director must find facts that justify initiating monitoring.

Facts justifying monitoring would include, by way of example but not limitation, using e-mail communication to engage in threats, pornography, harassment, offensive behavior, abusive language, discrimination, or potential criminal activity.

The Human Resources Director must recommend that monitoring is necessary to pursue investigation of the situation.

The Human Resources Director must present a written recommendation to the County Manager setting forth facts justifying monitoring.

The County Manager will review the Human Resources Director's recommendation and determine whether monitoring is justified and should be approved. No monitoring may be conducted without the County Manager's written approval. The County Manager will verify for law enforcement personnel related matters that proper contact and consultation have taken place with appropriate law enforcement department heads per this protocol.

The County Manager, in his written approval, will direct the Director of Data Processing, as the County's Chief Information Officer, to personally institute the monitoring and report back the results to the County Manager.



## **8.9 Workplace Monitoring**

Workplace monitoring may be conducted by Niagara County to ensure quality control, employee safety, security, and customer satisfaction.

Niagara County may conduct video surveillance of non-private areas where work is performed as necessary to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

## **8.10 Safety**

Niagara County is committed to providing a safe and healthy workplace for all its employees. The County complies with all applicable requirements under federal and state law. To assist in providing a safe and healthful work environment for employees, customers and visitors, Niagara County has established a workplace safety program. This program is a top priority for Niagara County. The Risk Management Department has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Niagara County provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. A safety advisory group has been established to assist in these activities and to facilitate effective communication about workplace safety and health issues.

Employees are required to participate in periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

## **8.11 Reporting Injuries**

Regardless of the nature or severity, all injuries incurred while you are working at Niagara County must be reported to your supervisor or to the Risk Management Department at once to receive proper treatment.

## **8.12 Search Policy**

To safeguard the property of our employees and the taxpayers of Niagara County, and to help prevent the possession, sale, and use of illegal drugs on Niagara County premises, in keeping with the spirit and intent of Niagara County's drug-free workplace policy, the County reserves the right to question employees and other persons entering and leaving our premises, and to

inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from Niagara County's property. In addition, the County reserves the right to search any employees' office, desk, files, locker, or any other area or article on its premises. Inspections may be conducted at any time in the County's discretion.

In conjunction with implementing this policy, the County has posted notices in conspicuous places throughout our facilities informing all persons, prospective employees, customers, visitors, and all others of the County's policy and right to question individuals and conduct inspections.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy will not be permitted to enter the premises. Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property or illegal drugs, will be sent immediately to the Human Resources Department and may be subject to discipline up to and including termination of employment. Likewise, the County will confiscate any contraband, illegal items, and stolen property found, and the possession of such items may result in discipline up to and including termination of employment.

All searches will be conducted with as much diplomacy and courtesy as possible. This policy is implemented for the protection of all persons who work at or visit Niagara County, and, accordingly, the full cooperation of all employees is expected.

## **8.13 Telephone Usage**

### **8.13.1 General Telephone Rules**

An employee may not make or receive personal telephone or cell phone calls during work hours, except in an emergency or to check briefly on family matters. Excessive personal calls during the workday, regardless of the phone used, which interfere with business operations or productivity, may result in discipline up to and including termination of employment. Collect calls may not be accepted without the approval of the department head or supervisor

An employee may not make or receive personal calls on a County provided telephone or cell phone that will result in additional charges to the County, except in an emergency and/or with prior approval from the department head. The employee must reimburse the County for the cost of the call.

### **8.13.2 Cellular Phone Usage**

While at work, employees are to exercise the same discretion in using personal cellular phones as they do for Niagara County phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Niagara County encourages a reasonable standard of limiting personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of Niagara County's policy. Flexibility will be provided in circumstances demanding immediate attention. Niagara County will not be liable for the loss of personal cellular phones brought into the workplace.

Where job or business needs demand immediate access to an employee, Niagara County may issue a business cellular phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

If an employee experiences a severe personal emergency that results in the need to use the County's cellular phone, he or she is required to report this use to his or her supervisor within 48 hours. The employee will be asked to sign a form specifying the number called and the reason for the call, as well as a specific authorization to deduct the cost of the call from his or her paycheck when the bill is received. Failure to report such use may result in disciplinary action. Failure to reimburse the County for the cost of the call will result in tax liability for the employee as well as possible disciplinary action.

Employees in possession of company equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Employees whose job responsibilities include regular or occasional driving and who are issued a cellular phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short while using the hands-free option, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to disciplinary action up to and including termination of employment.

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

#### **8.14 Dress Code**

The Niagara County Casual Dress Policy is designed to create a positive work environment and enhance morale by allowing employees to come to work in business casual clothing that is appropriate for the office. Business casual dress should convey a sense of professionalism and reflect positively on the County, the department, the manager and the individual in business interactions.

Although business casual dress is the norm for most positions, there may be times when positions, such as ones involving customer interaction, require more traditional business attire. It is therefore incumbent on the business unit to set standards for attire, which may vary by division or unit, based on business requirements.

Managers are responsible for setting an example and proper expectations for their organizations and ensuring that employees maintain appropriate attire for the workplace. Employees who are not wearing appropriate attire may be coached or subject to disciplinary action.

Employees who have questions about the standards for attire in their business unit or department may address them with their managers.

##### **8.14.1 Examples of Acceptable Attire**

Examples of acceptable attire include turtlenecks, sweaters, shirts with collars, khakis and chinos, dress pants or trousers, pant suits, skirts, dresses. All clothing items must be neatly pressed.

##### **8.14.2 Examples of Unacceptable Attire**

Blue jeans (with the exemption of authorized jean days), leather pants and skirts, gym attire, leggings, casual tank tops and t-shirts, shorts, sneakers, beach shoes, flip-flops or casual sandals (e.g. Birkenstocks), hats, faded, worn or torn clothing, "belly" shirts, low-riding pants, clothing with lettering, messages, slogans or logos.

#### **8.15 Workplace Violence Prevention**

The County is concerned about the increased violence in our society and its impact on the workplace and has taken steps to prevent incidents of violence from occurring at the County. It is the policy of the County to expressly prohibit any acts or threats of violence by any County employee or former employee against any other employee in or about the County facilities or elsewhere at any time. The County also prohibits any acts or threats of violence against the County's customers, or visitors on the County's premises at any time or while they are engaged in business with or on behalf of the County, on or off the County premises.

In keeping with the spirit and intent of this policy, and to ensure that the County's objectives in this regard are attained, it is the commitment of the County:

- To provide a safe and healthy work environment for all County employees.
- To take prompt remedial action, up to and including immediate termination of employment, against any employee who engages in any threatening behavior or acts of violence, or who uses any obscene, abusive or threatening language or gestures against another employee or against customers or visitors to the County.
- To take appropriate action against customers, former employees, or visitors to the County's facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
- To prohibit employees, former employees, customers, and visitors from bringing unauthorized firearms, other weapons or explosive devices onto the County premises.
- To prohibit engaging in hoaxes in the workplace, which may lead to business disruption, evacuation, or unnecessary concern. Anyone engaging in such a behavior may be subject to discipline up to and including termination of employment.
- To establish security measures to ensure that the County's facilities are safe and secure to the maximum extent possible, and to properly handle access to County facilities by the public, off-duty employees, and former employees.

In furtherance of this policy, employees have a "duty to warn" their supervisors, security personnel, or human resources representatives of any suspicious workplace activity or situations or incidents that they observe, or that they are aware of, that involve other employees, former employees, customers or visitors. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent.

The County will not condone any form of retaliation against any employee for making a good faith report under this policy.

### **8.16 Housekeeping**

Good housekeeping, which includes departmental organization, as well as cleanliness, is one of the essential requirements for safety. In addition, it helps to maintain pleasant and efficient working conditions. Your help and cooperation will assist in making the work environment pleasant for everyone.

## **8.17 Smoking**

In keeping with Niagara County's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those outdoor locations that have been specifically designated as smoking areas. This prohibition includes restrooms, storerooms, supply closets, vestibules, hallways, entrance ways and other such areas. Lighters, matches, or other incendiary devices should not be used within fifty (50) feet of a County building and/or premises. Smoking in County vehicles is also strictly prohibited. This policy applies to all employees, customers, and visitors.

Violations of the smoking prohibitions are subject to disciplinary action and may be reported to the Health Department for potential fines.

## **8.18 Reference Inquiries**

All inquiries made by outside parties (i.e. potential employers, investigative agencies, etc.) with regard to the employment history of former or present employees, including but not limited to general reputation, character, personal characteristics, performance, ability, attendance, or salary should be directed to the Human Resources Department for response. Human Resources will only verify employment dates and position held. Under no circumstances should any information be released except through the Human Resources Department. Even personal references may be interpreted as County opinions and extreme care must be taken in all cases.

## **9. CRIMINAL HISTORY RECORD CHECK POLICY**

Niagara County is committed to providing safeguards that endeavor to protect the welfare and security of its employees, and the general public, which it serves.

Accordingly, the County will conduct a criminal history record check ("CHRC") which may include fingerprinting in connection with the appointment of any employee to a job classification for which (a) a CHRC is required by law, or (b) duties include access to children, entry into private residences, or unsupervised physical access to vulnerable individuals. Where required under this policy CHRCs will be conducted pre-offer of employment, or where not feasible, an offer will be contingent upon the results of the CHRC.

Niagara County does not unlawfully discriminate on the basis of arrests or convictions. No application for employment will be denied by reason of the applicant having been previously convicted of one or more criminal offenses, unless (1) disqualification is specifically permitted or required by law; (2) there is a direct relationship between one or more previous criminal offenses and the employment sought; or (3) the granting of the employment sought would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. In evaluating these factors, the County will consider the duties of the position; the bearing of the conviction on the "fitness" to perform the duties of the position; the time elapsed since the conviction; the age of the applicant at the time of the conviction; the "seriousness" of the offense; evidence of rehabilitation; and the employer's legitimate interest in protecting property and safety of specific individuals and the public. The County will also consider any certificate of relief from disabilities or certificate of good conduct issued to a

prospective employee. Subject to applicable law, the County may also deny employment on the basis of an arrest which is pending at the time an employment decision is made.

The Human Resources Department will oversee CHRCs for County government. However, under the direction of the Human Resources Department, various departments within the County may implement procedures for processing CHRC consent forms and applications, consistent with applicable laws. All CHRCs will be performed through the Niagara County Sheriff's Department or through other governmental agencies. No non-governmental entity will be used to perform CHRCs.

Prospective employees subject to a CHRC will be provided with a notice and consent form. Before any adverse employment is taken based upon the results of a CHRC, a prospective employee will be afforded the opportunity to review and explain information contained therein. A prospective employee may also withdraw his or her application for employment at any time, without prejudice, prior to the County's decision on employment, and upon such withdrawal and to the extent required by law, the Human Resources Department will destroy any CHRC report concerning such prospective employee.

The results of the CHRCs will be maintained by the County in a file that is separate from other personnel information, in accordance with applicable law. Questions regarding compliance with this policy should be addressed to the Human Resources Director, the Niagara County Manager, or the Niagara County Attorney's Office. The Human Resources Department will develop and maintain a list of positions for which a CHRC is required and forms and procedures consistent with this policy. Except as required by law, this policy is subject to, and to the extent inconsistent with, superseded by, the County's collective bargaining agreements.

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**NIAGARA COUNTY  
EMPLOYEE POLICY AND PROCEDURE MANUAL  
ACKNOWLEDGEMENT**

I hereby acknowledge that I have received a copy of the Niagara County Employee Policy & Procedure Manual outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of Niagara County. I further acknowledge that I have read, or will read, the contents of the Niagara County Employee Policy & Procedure Manual and will contact my department head, the Human Resources Department or the County Manager if I have any questions.

I understand that the Niagara County Employee Policy & Procedure Manual is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and Niagara County reserves the right to interpret, change or modify any section of the Niagara County Employee Policy & Procedure Manual at any time.

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

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Niagara County Employee Policy & Procedure Manual.

I understand that the Niagara County Employee Policy & Procedure Manual and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the County.

\_\_\_\_\_  
Employee name (please print)

\_\_\_\_\_  
Department Head Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature



**Errata Slip**

**Niagara County Employee Policy and Procedure Manual**

<b>Page</b>	<b>Section</b>	<b>Reads</b>	<b>Change to</b>
45	7.3 Health Care	Niagara County maintains group insurance programs for eligible employees. Upon eligibility, the County will contribute to the cost of monthly premium or a payment "in lieu of" premiums, in an amount consistent with the County's insurance program, employees must complete and submit all necessary enrollment forms to the Risk Management Department within thirty (30) days of hire. Additional information regarding eligibility for coverage, cost to employees, and the County's contribution level is available from the Human Resources Department and/or Risk Management Department.	Niagara County maintains group insurance programs for eligible employees. The Summary Plan Description (SPD) governs the terms of the Plan. Upon eligibility, the County will contribute to the cost of monthly premium or a payment "in lieu of" premiums, in an amount consistent with the County's insurance program, employees must complete and submit all necessary enrollment forms to the Risk Management Department within thirty (30) days of hire. Additional information regarding eligibility for coverage, cost to employees, and the County's contribution level is available from the Human Resources Department and/or Risk Management Department.
46	7.5 Health Care Continuation Coverage, paragraph 5	All employees must inform the Risk Management Department within sixty (60) days of divorce or legal separation or when a dependent child reaches twenty-five (25) years of age. It also is essential that the Risk Management Department have a current address for all employees and family members.	All employees must inform the Risk Management Department within thirty (30) days of divorce or legal separation or when a dependent child reaches twenty-five (25) years of age. It also is essential that the Risk Management Department have a current address for all employees and family members.

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Signature

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Date