

TOWN OF COVERT

PERSONNEL

POLICY AND PROCEDURES

**REVISED AND APPROVED BY THE
TOWN BOARD
ON
January 13, 2025**

**The policy shall be reviewed by the Covert Town Board
each January at the organizational meeting**

INTRODUCTION

In order to have a properly functioning organization that meets the needs of both the employees of the Town of Covert and the Taxpayers who really are their employers, a set of policies and rules are needed.

The following set of policies shall apply to all full-time, part-time, permanent, elected, and appointed employees of the Town of Covert.

If there is any question concerning the application of any provision, the employee should take the matter up with their immediate supervisor. If there is no immediate supervisor or the problem cannot be resolved at that level, the problem should be referred to the Town of Covert Supervisor who will bring it to the attention of the Town of Covert Board. The decision of the Board shall be final unless there is a proper legal challenge that can be made.

All new employees shall be given a written copy of the Personnel Policy and Procedures. It shall be the responsibility of the employee to become familiar with the provisions of the policy. Employees shall abide by the policies as a condition of employment. Failure to comply with these policies shall be subject to sanctions, up to and including dismissal where warranted.

TABLE OF CONTENTS

Introduction

Welcome message from Supervisor & Town Board	Section 1-1
Our Town	Section 1-2
Town Meetings	Section 1-3
Land Use Ordinance	Section 1-4
Town Clerk's office and services	Section 1-5
Town Court	Section 1-6
Town Web Site	Section 1-7
Employment policies	
Job Descriptions	
Elected Officials	Section 2-1
Code Enforcement Officer	Section 2-2
Dog Control Officer	Section 2-3
Planning Board Members	Section 2-4
General Highway Foreman	Section 2-5
Motor Equipment operator	Section 2-6
Problem Resolution Policy	Section 3-1
Hiring policy	Section 4-1
Probationary Period	Section 4-2
Termination of Employment	Section 4-3
Employee Status	Section 4-4
Driving Record Policy	Section 4-5
Lunch/Breaks Policy	Section 4-6
Mileage Reimbursement policy	Section 4-7
Clothing allowance	Section 4-8
Salaries Policy	Section 4-9
Payroll policies	
Pay Period Policy	Section 5-1
Longevity Pay increases	Section 5-2
Overtime/Holiday Pay Policy	Section 5-3
Jury Duty	Section 5-4
Vacation Pay	Section 5-5
Designated Holidays Policy	Section 5-6

Employee Benefits	
Health Insurance	Section 6-1
Disability Insurance	Section 6-2
Retirement Policy	Section 6-3
Worker’s Compensation	Section 6-4
Vacation Policy	Section 6-5
Sick Leave Policy	Section 6-6
Absence policies	
Tardiness	Section 7-1
Notification of absences	Section 7-2
Bereavement leave	Section 7-3
Volunteer firefighter/EMT leave	Section 7-4
Personal leave	Section 7-5
Military leave	Section 7-6
Medical leave	Section 7-7
Unpaid leave/time off	Section 7-8
Operational Policies	
Drug and Alcohol use policy	Section 8-1
Smoking Policy	Section 8-2
Time Records	Section 8-3
Vehicle Usage	Section 8-4
Supplies, tools and equipment usage	Section 8-5
Fuel Usage	Section 8-6
Email, telephone & electronic communication Policy	Section 8-7
Personal appearance/conduct	Section 8-8
Credit Card Policy	Section 8-9
Code of Ethics	Section 9-1
Appendix	
Drug and Alcohol Testing Policy	Section 10-1
Discrimination & Harassment Policy	Section 11-1
Violence Prevention Policy	Section 12-1
Investment and Deposit Policy	Section 13-1
Procurement and Deposit Policy	Section 14-1
F.O.I.L. Policy	Section 15-1

Section 1-1 Welcome

Welcome to the Town of Covert. We wish to extend to you our congratulations on your appointment to a position with the Town of Covert. As part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standard of quality.

This policy handbook is designed to familiarize you with our policies involving your employment and to help ensure government compliance, foster positive relationships, and contribute to the overall success of the town in delivering services to the public effectively and efficiently.

Please keep in mind that this is only an overview of the Town of Covert's policies and procedures and employee benefits. Specific questions concerning employment matters should be addressed to your supervisor or the Town Supervisor.

We trust you will find service with the Town of Covert rewarding and we look forward to working with you for many years to come.

Sincerely,

Covert Town Supervisor
Covert Town Board

Section 1-2

History

Covert was in the [Central New York Military Tract](#). The town was first settled around 1797.

The town was set aside from the [Town of Ovid](#) in 1817 as part of [Tompkins County](#), but was returned to Seneca County in 1819. The [Town of Lodi](#) was taken off the western part of Covert in 1826.

In 1904 Interlaken (previously called "Farmer") set itself apart by becoming an incorporated village.

Geography

The town has a total area of 37.6 square miles (97.5 km²), of which, 31.5 square miles (81.6 km²) of it is land and 6.1 square miles (15.9 km²) of it (16.31%) is water.

The south town line borders [Schuyler County](#), New York, to the southwest and [Tompkins County](#) to the southeast and the east town line is defined by [Cayuga Lake](#), one of the [Finger Lakes](#). The Town of Lodi is to the west and the Town of Ovid is to the north.

[New York State Route 89](#) and [New York State Route 96](#) are north-south highways in the town. [New York State Route 96A](#) running east and west joins NY-96 at Interlaken.

Demographics

As of the [census](#) of 2010, there were 2,154 people, 892 households, and 620 families residing in the town. The median income for a household in the town was \$38,068, and the median income for a family was \$45,759.

Economics

Major industries in the Town of Covert include farming, tourism, education and manufacturing.

Farming includes both dairy farming and cash crops. Cash crops include corn, wheat, beans, and fruits including grapes for the wine industry, apples and other tree crops. Bee and honey production support the tree crops. There is a growing presents of Amish and Mennonite farms in the area.

The Tourist industry is supported by the natural beauty of the area, the many summer homes along Cayuga lake, and the wine industry. Many fine award winning wineries exist along route 96, route 89, and town roads and most are a part of the Cayuga Wine Trail. A major celebration each year is Old Home Days in Interlaken (2nd Saturday in June)

Many residents work in the local and area school systems. These include South Seneca elementary and high school, and Colleges in Ithaca including Cornell, Ithaca College and Tompkins Cortland Community College.

The Town of Covert is very business friendly as far as regulations. Three major industries located in the Village of Interlaken include Pine Tree Farms (bird seed production), Hipshot (guitar parts production) and Gunblack (gun finishing and bluing) and numerous businesses outside the village.

Located in the Village of Interlaken is a senior housing complex (Conifer Village) built in 2012 and housing 28 -1 bedroom apartments.

Section 1-3 Town Board Meetings

The Town Board meets in regular session on the Second Monday of each month and in special session when needed. Meetings are held at the Town Hall at 7PM. Announcement of meetings and the agenda may be found on the Town's website. Agendas are usually available on the Wednesday prior to the meeting.

Meeting Guidelines - Meetings of the Town Board are open to the public. Residents are encouraged to attend. In an effort to foster an orderly meeting process, we ask the public to kindly observe the following rules and guidelines.

General rules of Procedure - The Supervisor shall preside at meetings. In the Supervisor's absence, the Deputy Supervisor shall preside.

The presiding officer may debate, move and take other action that may be taken by other members of the board.

Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.

A board member, once recognized shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking, is called to order, they shall cease speaking until the question of order is determined, and, if in order, he/she shall be permitted to proceed.

A board member may, with the permission of the presiding officer, interrupt a speaker during remarks, but only for the purpose of clarification or information.

Guideline for Public Comment-The public shall be allowed to speak only during the "petitioners to the board" segment of the meeting or at such other time as the presiding officer may allow. All comments must relate to legitimate town business.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Speakers must raise their hand to be recognized by the presiding officer. When recognized, speakers must stand and give their name, address and organization, if any. Speakers must limit their remarks to 3 minutes on a given topic for each recognition unless allowed to continue by the presiding officer. Speakers may not yield any remaining time they may have to another speaker. All speaker's remarks shall be addressed to the presiding officer facing the board as a body and not to the public.

The speaker or their representatives may address the Board in written communication.

Adjournment - Meetings shall be adjourned by motion, seconded with majority vote action

Amendments to the rules of Procedure - The forgoing procedures may be amended from time to time by a majority vote of the Board

Section 1-4 Land Use Ordinances

Construction in the Town is governed by a land use ordinance (LUO), the County of Seneca building code and the “Right to Farm“ law. Persons intending to do any construction should make themselves familiar with these ordinances which can be obtained from the Town of Covert Clerk’s office. The Town Clerk and the county code enforcement officer can provide the necessary building permits.

Section 1-5 Town of Covert Clerk

Both dog licenses and NYS hunting licenses can be obtained from the Town Clerk’s Office. All dogs over six (6) months of age are required to be licensed. Copies of Town documents can also be obtained by paying a copying fee. The Town clerk can also provide notary services and marriage licenses.

Section 1-6 Town of Covert Court

The Town of Covert court is held on the second Friday of each month except holidays.

Section 1-7 Town of Covert Web Site

The Town of Covert maintains a website at www.Townofcovert.org. The website contains historical information, information about town businesses, Town Board information , meeting agendas, and other information about town business.

Section 2-1 Job Descriptions

The following job description are found in New York State Town law:

- Town Supervisor - NYS Town Law - section 29
- Town Councilman - NYS Town Law - section 64
- Town Clerk - NYS Town Law - section 30
- Town Tax Collector - NYS Town Law - section 36
- Town Highway Superintendent - NYS Town Law - section 32
- Town Budget officer - NYS Town Law - section 103
- Town Attorney - NYS Town Law - section 23
- Town Bookkeeper - NYS Town Law - section 29 (15)
- Town Election Inspectors/custodians - NYS Election Law - section 3-400

Other Job Descriptions:

Section 2-2 Code Enforcement officer

Code Enforcement Officer - Provides enforcement of all LMO ordinances, rules and regulations pertaining to building codes by:

1. Inspecting Town properties on a regular basis.
2. Explain and interpret building requirements to contractors and the general public.
3. Insure building permits are applied for in a proper manor.
4. Issue certificate of occupancy upon successful completion of projects.
5. Refer all occurrences of non-compliance to the Town Board.
6. Report variance requests to the Town Board for review by the Town Planning Board.
7. Report to the Town Board and Town Clerk in person or in writing on a monthly basis.

Knowledge, skills and abilities required:

1. Knowledge of local ordinances.
2. Ability to establish cooperative relationships with the public, contractors and public officials.
3. Ability to read plans and specifications.
4. Possess characteristics of courtesy, firmness, tact, good judgment and power of observation.
5. Meet any training requirements as required by the State of New York.

Section 2-3 Dog Control Officer

The statutory duties of the Dog Control Officer include the following

1. Enforcement of the dog licensing ordinance.
2. Seizure and impounding of stray and dangerous dogs.
3. Maintain records of seizure and disposition of dogs.
4. Bringing action against persons in violation of Article 7 in their municipality.
5. Receive complaints concerning dangerous and nuisance dogs and commence legal proceedings where necessary.
6. Represent the town before the Town Justice on violation of dog ordinances.
7. Enforce deer depredation and night quarantine orders.
8. Receive such training as required by New York State Law.

Section 2-4 Planning Board Members

Planning Board members are appointed for a seven year term and serve at the pleasure of the Town Board.

Members are appointed on a rotating basis such that one members term expires each year.

Members receive no salary

Members are required to attend training sessions on planning topics for a total of 4 hours per year (8 hours every two years). This requirement can also be fulfilled by on line courses.

Chairman of the board and secretary shall be elected by the members of the planning board.

Duties of planning board members include:

1. Attendance at all Planning Board meetings as called by the chairman.
2. Reviewing requests for variances referred by the town board by visiting sites, examining site plans and making recommends on these variances to the Town Board
3. Recommending to the Town Board changes in the various land management ordinances (LMO).

Highway Employees

Section 2-5 General Highway Foreman

The general highway foreman is the direct assistant to the elected Town Highway Superintendent. The duties include responsibility for the efficient and economical use of men, materials and equipment in the construction and maintenance activities of the town highway department. The work is carried out in accordance with the established policies and procedures formulated by the Town Highway Superintendent. The work is reviewed by inspection and through reports. Supervision is exercised over the activities of equipment operators by a continuing check of the work in progress.

Typical Work Activities

1. Supervises the activities of a crew and the use of materials and equipment in the maintenance of town roads and bridges.
2. Assist in planning maintenance schedules and work loads.
3. Report to and confer with the Highway Superintendent with regarding men and equipment needed for maintenance projects.
4. Operate various types of road construction and maintenance equipment.

Minimum qualifications

1. Three or more years of experience in the construction or maintenance of bridges or paved

highways.

2. One year or more of supervisory experience
(or any equivalent combination of training and experience)

Full Performance knowledge, skills, abilities & personal characteristics

1. Good knowledge of modern road construction and maintenance methods/procedures.
2. Good knowledge of the equipment, materials, tools, terminology and safety precautions used in road maintenance, snow removal, and ice control.
3. Good knowledge of the operation, repair and maintenance of equipment.
4. Ability to plan and supervise the work of others.
5. Ability to solve operating problems as they occur in the field.
6. Ability to secure the cooperation of subordinates.
7. Ability to understand and carry out complex oral and written directions.
8. Ability to prepare and maintain records and reports.
9. Ability to work from plans and specifications.
10. Good motor, hand and eye coordination.
11. Good manual dexterity and physical condition

Section 2-6 MOTOR EQUIPMENT OPERATOR

General Statement of Duties

Operate one or more types of automotive equipment and perform a variety of manual tasks in connection with such operation. Does related work as required.

Acceptable Training and Experience

1. One year of experience in the operation of some type of automotive equipment.
2. Completion of a high school diploma or GED.
3. Any equivalent combination of experience and training sufficient to indicate ability to do the work.
4. Eligibility for a CDL license

Examples of Work

1. Operate a truck in connection with the collection of debris, plowing snow and in the transportation of sand, gravel and supplies.
2. Operate a truck or tractor with power mower, trailer, snow loader, bulldozer, concrete mixer, stone crusher or other attachment.
3. Operate a power grader, roller, snow plow or snow shovel.
4. Perform minor repairs on equipment.
5. Perform manual labor, such as loading trucks, erecting snow fences and cleaning culverts.

Distinguishing Features of the class

Employees in this class perform recurring manual duties in connection with the operation of moderately complex motor equipment. They receive the general direction from a superior but are responsible for the safe and economical operation and care of their equipment on assigned tasks. Periodic inspections are made of work in progress.

Required Knowledge, Skills and Abilities

1. Good knowledge of the operation of tractors, trucks and other equipment.
2. Ability to understand and follow simple oral and written instructions.
3. Mechanical aptitude.
4. Industry and dependability.
5. Good physical condition.

Section 3-1 Problem Resolution Policy

The following steps should be taken when an employee has an on-the-job problem such as difficulties with a supervisor or co-worker, working conditions, work requirements or personal problems that may have an impact on work performance.

1. The problem should be discussed first with the employee's immediate supervisor . Employee and supervisor should make a concerted effort to resolve all problems at this level.
2. If the employee is unable to discuss the problem with the immediate supervisor or if past discussions have not resolved the problem, the employee should arrange to meet with the town personnel committee chairman. The town personel committee chairman will assist the employee in making an appointment with the Town Supervisor who will meet with the employee and the supervisor, investigate the matter and recommend a solution.
3. If the employee does not find the solution recommended by the Town Supervisor acceptable, they may request that the problem be presented to the Personnel committee of the Town Board (hereafter referred to as the personnel committee).The personnel committee will investigate the matter, meet with the persons involved, and recommend a solution.
4. If the employee is still dissatisfied with the recommended solution, they may request that the Town Board review the problem. The Town Board may review all previously accumulated information as well as conduct an independent investigation. The Town Board will make a decision which will be final and binding on the employee and the town.

Section 4-1 Hiring Policy

In order to provide equal employment and advancement opportunities to all individuals, employment decisions with The town of Covert will be based on merit, qualifications and ability in accordance with any applicable civil service laws.

The town does not discriminate in employment opportunities or practices on the bases or race, color, religion, sex, national origin, age, sexual preference, or any other characteristic protected by law.

Section 4-2 Probationary Period Policy

Newly hired employees will be employed for a probationary period of 12 months. During this period they shall be given at 6 months and 12 months evaluations in writing of their progress. When the new employee has successfully completed their probationary period they shall be notified of their successful completion in writing and will be included in their personnel file.

Section 4-3 Termination of Employment Policy

When an employee voluntarily or involuntarily terminates their employment with the Town of Covert, the last day worked will be considered the termination date and will be the date used for calculation of final pay, vacation pay and termination of health insurance benefits. Unless previously approved by the town board, an employee's termination date will not extend beyond the last day of active employment.

In the case of voluntary resignation, at least two (2) weeks notice is required to be eligible for accrued vacation pay. In no instance will there be a payment for accumulated sick time or unused personal leave days. The final paycheck and payment for accrued vacation days will be issued on the next regular payday following the termination date.

Section 4-4 Employee Status Policy

A full time highway employee shall work a minimum of forty hours (40) per week. A part time highway employee shall work twenty hours (20) or less per week. All other full time employees of the town shall work Thirty-Seven and one half hours (37.5) and part time employees shall work eighteen hours (18) or less per week. This policy may be superseded by board resolution at the time of appointment.

Elected officials (i.e. councilman, supervisor, clerk and highway superintendent) have no set hours. Hours will vary with the workload and the time of the year such as budget, road construction and tax time being more labor intensive.

Section 4-5 Driving Record Policy

When a driver's license is a requirement for a position with the Town of Covert (and is so stated in the application form), it is mandatory that there be a clean driving record with no history of any infraction relating to alcoholic beverages or drug consumption. Where employees have had such a license suspended or revoked for any reason, they are subject to immediate termination and this termination may be enforced whether or not a conditional driver's license has been granted.

Section 4-6 Lunch and Break Policy

All Town of Covert employees shall be allowed one half hour lunch break . Employees shall be allowed a fifteen (15) minute break for every four hours worked.

Section 4-7 Policy on mileage, Travel and Reimbursement Policy

(Resolution 11-14 Section 4-7 Policy on Mileage, Travel & Reimbursement

Approved by the Town of Covert Town Board August 11, 2014

Motion Bosman, Seconded by: Waid Vote: Aye-Bosman, Aye- Hunt, Aye-Vann and Aye-Waid.)

Mileage

Any town official or employee who uses his/her personal vehicle in the furtherance of official Town of Covert business shall be compensated for the use of said vehicle at the rate set by the Town Board at its annual January meeting. Proof of the purpose of the trip and the miles driven must be presented to the Town Clerk prior to reimbursement. The rate is established by the board at its annual meeting and may be revised during the year as needed.

Travel/Training:

Any town official or employee who may choose to travel to conventions, seminars, conferences, training sessions or other events dealing with town business that will incur hotel stay, travel expenses, and event fees shall be required to secure PRIOR approval of the Covert Town Board.

Expenses to be paid include conference fees, hotel/motel fees, meals, tolls and other required expenses. Prior to payment the participant shall submit to the Town Clerk proper documentation and receipts for all expenses.

If a non-participant spouse attends with the participant only the single room rate will be reimbursed and meals only for the participant.

Section 4-8 Clothing Allowance Policy

Town highway employees shall receive \$375.00 per year per man on a reimbursement system. The amount is to be pro-rated if the employee leaves or is dismissed (but not layoff) any time during the year. Such balance shall be deducted from the final paycheck.

Section 4-9 Salaries Policy

Salary determination is part of the annual Town budget process. If employees are dissatisfied with their salary, they should inform their supervisor in writing with a request for review by the Town Supervisor. The Town Supervisor will forward a recommendation to the personnel committee which may request the Town Board to make changes in the salary. Although changes in job classification and resulting salary adjustments are usually a part of the annual budget review process, they may be considered at any time during the year.

PAYROLL POLICIES

Section 5-1 Pay Period Policy

Pay period for the Highway Superintendent, the Town Clerk and Town highway department employees are bi-weekly. Town Board members receive pay on a quarterly basis. All other employees will be paid on a monthly basis on the last day of the month, unless stated by resolution by the town board.

Section 5-2 Longevity Pay Increases

To express appreciation to the hourly full time employees who have faithfully served the Town of Covert over the years, the following Longevity plan shall apply.

- After 5 years..... \$.10 per hour increase
- After 10 years..... \$.15 per hour increase
- After 15 years..... \$.20 per hour increase
- After 20 years..... \$.25 per hour increase

Employees shall be eligible for longevity increments on their anniversary date of hire with the Town of Covert. This policy applies only to employees hired prior to April 1st, 2012.

Section 5-3 Overtime/Holiday Pay Policy

Employees will be paid time plus one half (1.5) for all hours worked over forty hours per week. The Highway Superintendent or their designee shall approve all overtime before the employee starts the overtime.

For hours worked on a designated holiday, *full time employees will be paid at a rate of time plus one half plus the straight time pay (2.5) . Paid holidays, vacation time and funeral leave pay will be computed as time in calculating overtime during the work week in which the holiday, vacation or funeral leave falls.

*A regular part time employee for the Town of Covert, when scheduled to work on any of the Federal Holidays, will be paid a rate of time plus one half of their hours worked for that holiday.

Full time employees in the highway department who are called in to work outside their regular working hours will be guaranteed a minimum of four (4) hours pay.

Section 5-4 Jury Duty Pay

An employee called to serve on a jury will be paid at the employees regular compensation rate and will pay to the Town any check or money received for jury duty.

Section 5-5 Vacation Pay

The rate of vacation pay shall be the employees regular straight time hourly rate in effect for the employees regular job at the time the vacation is taken.

Section 5-6 Designated Holidays

*Full time employees shall receive paid leave on the following holidays:

New Years Day	Labor Day
Martin Luther Kings' Birthday	Columbus Day
Presidents Day	Veteran's Day
Memorial Day	Thanksgiving Day
Juneteenth	Christmas Day
Fourth of July	One Floating Day* (full time employees only)

In the event a holiday occurs during the period an employee is on vacation leave, such holiday shall not be counted as part of the employees vacation.

*A floating holiday is to be designated by the employee with the consent of the department head. Such consent is not to be unreasonably withheld.

*(Nottke moved, seconded by Wyckoff, to adopt above changes for Regular Part Time Employees. Aye-Foster, Aye-Bishop, Aye-Wyckoff, and Aye-Nottke. 5/9/2022)

Employees are eligible for holiday pay immediately upon employment with the town.

If a holiday falls on a Saturday, the preceding Friday will be taken as the holiday. If the holiday falls on a Sunday, the following Monday will be taken as the holiday.

Employees having a resignation date falling on a holiday will not receive payment for said holiday except if the holiday falls on a Friday. Those employees having a resignation effective on the day immediately following a holiday must work that day or they will forfeit the paid holiday.

Employee Benefits

Section 6-1 Health Insurance

The Highway Superintendent, the Town Clerk and all full time hourly employees of the Town of Covert shall be eligible for membership in the Town of Covert designated health insurance plan. Employees hired prior to January 1st, 2009 shall have the Town of Covert pay 100% of the health insurance premium. Employees hired after January 1st, 2009 shall pay 20% of the cost of the health insurance premium with the Town of Covert paying 80% of the cost.

Employees starting their employment on the first day of the month will be eligible to join in that month. All other employees will be eligible to join on the first day of the following month or any first day of the month thereafter.

If an employee leaves the Town of Covert services prior to paying their share of the health insurance premium for the month in which separation occurs, the town supervisor will be authorized to cancel the policy effective the first day of the month termination took place. If the employee would like coverage to the last day of the month in which the separation occurs, a check for the employees remaining share must be given to the Town Supervisor.

Health Insurance Buyout

A full-time employee or Elected Official who is eligible for medical insurance coverage made available through the Town may receive a cash buy-out in lieu of receiving medical insurance benefits. To be eligible for the medical insurance buy-out, the employee must provide documentation of comparable medical health insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town. Any non-town health insurance plan that may subject the Town to a penalty, fine or other disadvantage under the any federal or state law, rule or regulation. The medical insurance buyout is not applicable in a situation in which two employees are married or

in a family relationship that makes both eligible for coverage under the same medical insurance plan.

An employee may re-enroll in the Town's health plan upon the occurrence of a qualifying event or open enrollment period. Qualifying event election must be made within 30 days of the event date. Buyout payments will be pro-rated and the employee must refund any portion of the payment received for the period in which the Town will subsequently provide coverage for said employee.

The buyout payments shall be a annual amount paid quarterly. Any Employee hired before January 1, 2009 shall receive \$5,000.00 net pay paid quarterly. Anyone hired January 1, 2009 and after will receive \$4,000.00 net pay paid quarterly.

(Foster moved, seconded by Nottke, to approve an increase in the Insurance Buyout provision to compensate for the loss to the employee due to taxes. Aye-Nottke, Aye-Foster and Aye-Bishop. 5/10/2021)

Section 6-2 Disability Insurance

All town employees are eligible for New York State Disability coverage.

Section 6-3 Retirement

Membership in the New York State Employees Retirement System is mandatory for all full time, permanent employees of the Town of Covert. Part time, temporary or provisional employees may join the Retirement System, but membership is optional.

The tier which a system member is in is determined by the date upon which they join. Employees who joined the system between July 1, 1976 and September 1, 1983 are considered to be tier III members. Tier III and Tier IV members are required to contribute 3% of their gross wages to the retirement program. Tiers V and VI have similar contribution requirements. Employees should contact the Town Bookkeeper to determine their tier status and related benefits.

Section 6-4 Worker's Compensation

An employee who is injured or disabled in the course of work shall elect in writing whether they desire to use their accumulated sick leave for the period of disability or whether they desire to retain weekly benefits provided under the Workers Compensation law. Such statement shall be filed with the Town prior to the payment of any further compensation to the employee.

In the event that the employee elects to take sick leave with pay, he shall endorse and transmit his weekly benefit check to the town. When such check is received by the town, the employees sick leave shall be increased in compensation for the check divided by the employees daily rate of pay with an equal number of sick days per week returned to the employee.

Section 6-5 Vacation Policy

All employees who are covered by the Town of Covert's personnel policy shall use the following vacation schedule:

Years of service	Days of Vacation
1	5 days
2 to 5	10 days
6	11 days
7	11 days
8	12 days
9	12 days
10	13 days
11	13 days
12	13 days
13	14 days
14	14 days
15 or more	15 days

A new employee will receive five (5) days paid vacation after 1 year . Paid vacation accrual begins on the anniversary date of the last hire. Changes in accrual rates shall be effective on the anniversary date of the last hire.

All vacation time must be requested in writing at least fourteen (14) days in advance of the vacation. In cases of emergencies, this minimum may be waived by the Highway Superintendent. In the event of conflict of vacations submitted, the granting of vacation requests will be made initially on the basis of the date requested, and secondly on the basis of seniority. Vacation periods shall be from January 1st to December 31st of each year. Vacation will be scheduled weekly.

An employee shall have the right to commence their vacation on any regular scheduled work day.

There will be no carry-over of vacation from year to year. All unused vacation will be forfeited. Every effort will be made by the Town of Covert to allow each employee to use vacation time. In the event the employer prevents the employee from using already scheduled vacation time, and if the vacation cannot be rescheduled by the employee in that calendar year, the employee will be paid for the canceled vacation in the first pay of the following year. Cancellation of approved vacation time shall be in writing and a copy submitted to the Town Supervisor.

If an employee is discharged, resigns, retires, dies or is laid off prior to taking their vacation, they shall be compensated for all accumulated vacation credit. In the case of death the payment shall be paid to the employee estate or designated beneficiary.

Section 6-6 Sick Leave Policy

Sick leave may be taken only in the event of sickness which may be defined as illness (including mental illness), bodily injury or quarantine. If the employee is absent more than 3 consecutive days , a doctors statement will be required at the end of each month as to the employee's status.

An employee shall accumulate eight (8) hours of sick leave per month. No employee shall be allowed to accumulate more than one hundred twenty (120) days of sick time. An employee may use up to three (3) days per year of accumulated sick leave for family health care.

It is the responsibility of the employee to notify (or have notified) the department head of the need for sick leave. Where someone other than the employee is or has been requested to make the required notification, the employee will be solely responsible for that notification being made. If an employee becomes sick or ill during their work shift, they must notify or cause notification to be made to their superior.

In the event no sick leave notification is made within 30 minutes after the start of the work day or after an employee becomes sick or ill and leaves work, the department head shall consider and handle the employee's absence as an absence without pay unless the employee can later substantiate and document that it was impossible to make or cause notification.

Failure of an employee to submit a physician's certificate as required may cause such employee's time to be considered as "absent without pay". The certificate by the physician shall indicate the employee was unable to perform their duties during the time of the sick leave due to a specific illness or injury.

The Town may require the employee to submit a physician's certificate before returning to work if they feel the employee is physically or mentally unable to perform the required duties. The Town may also require the employee to submit to an examination by a physician of the towns choosing at the towns expense. Failure to submit to such an examination shall cause the time to be considered as "absent without pay".

(continued)

In the event that any illness or injury exceeds thirty (30) calendar days, or the Town has good reason to believe that an employee is no longer physically or mentally able to continue in their regular duties, or doubts the validity of their absence, the Town may require a full physical examination by a physician at the town's expense. Failure of the employee to submit to such an exam shall result in the absence being considered "absent without pay"

Absence Policies

Section 7-1 Tardiness Policy

An employee must be ready and able to work at the time they are scheduled to begin work. In the event an employee is unable to report at the scheduled time, the employee must notify their supervisor. The supervisor may excuse the tardiness for cause, assign the employee additional hours or dock the pay in fifteen minute intervals.

Section 7-2 Notification of Absence

Daily notification - In the event an employee is unable to work on a given day, the employee must notify their supervisor each day of the absence and state the reason for the absence.

Notification of Sick Leave- In the event an employee must take sick leave, the employee must notify their supervisor prior to the employee's scheduled reporting time. This procedure must be followed to receive sick leave pay.

Early Departure - In the event an employee must leave work during the workday, the employee must notify their supervisor prior to leaving.

Section 7-3 Bereavement Leave

In the event of the death of one of the following members of an employee's family:

Parent, including foster or step-parent, spouse, children or step children, brothers, step brothers, sisters or step sisters, mother-in-law, father-in-law, and grandchildren or other relatives who are members of the employees household,

The employee shall be excused from work at his request to attend the funeral and shall be paid on a daily basis for days lost on the day of the funeral and the two preceding days, provided that all of those days were regular scheduled work days of the employee.

One (1) day paid leave will be allowed for the death of a co-worker. Personal days may be used for the death of other relatives, close friends, etc.

Section 7-4 Volunteer Firefighter/EMT Technician Leave Policy

The Town of Covert shall encourage its employees to volunteer for membership as volunteer firefighters and EMT technicians.

The Town shall compensate the employee's regular straight time hourly rate of pay for hours which overlap the employee's scheduled hours of work for being called to a fire or emergency.

In the event that a volunteer firefighter or EMT is required to respond to a fire or emergency during the eight (8) hours immediately preceding the start of the employee's shift, the employee shall receive compensatory time off during the upcoming shift equal to the actual time spent in

resolving the fire or emergency. In no event shall the employee receive compensatory time off for any time greater than their shift assignment for the day, provided the hours are verifiable.

Section 7-5 Personal Leave Policy

Personal leave is leave with pay for personal business, including religious observances. Personal leave will be considered on an individual basis. A specific return date is to be established. Personal leave of absence will not be extended beyond six months. It should be understood that the Town of Covert board is not obligated to grant such leave as described above and the decision to grant or withhold such leave and whether if granted, such leave will be paid or unpaid, is solely at the discretion of the Covert Town Board.

All employees as of January 1st of a calendar year will be credited with three (3) personal days for the remainder of the calendar year in which they are employed. All employees hired on or between July 1st and September 30 of a calendar year will receive one (1) personal days leave for the remainder of the calendar year in which they are employed. Those hired after September shall not be granted personal leave for that year.

Personal leave shall not be cumulative and no part thereof shall be carried over from one calendar year to another. Unused personal leave shall not be liquidated into cash at the time of separation, retirement or death. Personal leave shall be granted only by prior approval of the employees' supervisor and only at a time convenient to the Town and may be taken in multiples of not less than one hour.

Section 7-6 Military Leave Policy

Town employees who are members of military reserve units and are required to go on active duty for training purposes shall be entitled to leave without loss of pay for such time as is necessary to fulfill such military training obligation. Leave shall not exceed a total of 30 days or 22 working days whichever is greater in any one continuous period of such absence. Payment shall not be made to such an employee unless a copy of the military orders are submitted to the Town of Covert Supervisor. An employee on such leave will be paid at the employee's regular rate of compensation and will pay to the Town any checks or money received for such military duty.

Section 7-7 Medical Leave

Employees should submit requests for medical leaves of absence to their immediate supervisor for all expected absences that will exceed their accumulated sick time or one month in length, whichever occurs first. A doctor's statement will be required. Medical leave will not normally exceed six months, however, an extension may be considered upon written request accompanied by a doctor's statement. A doctor's statement, giving permission to return to work is required.

Section 7-8 Unpaid Leave

A leave of absence without pay, not to exceed six (6) months may be granted to a full-

time permanent employee by the Town of Covert board. Leaves of absence shall not be granted to employees to accept remunerative employment elsewhere.

During a leave of absence without pay, subject to and consistent with the current Group Health Insurance Plan, coverage may be continued provided direct payment of the total premium is made by the employee through the Town Supervisor. Failure to make timely payments of the premium will result in the cancellation of coverage.

Any request for a leave of absence without pay shall be submitted in writing to the Town Supervisor. The request shall state the reason for the leave of absence and the appropriate length of time requested. The Supervisor shall submit the request to the Town Board at their next meeting or at a special meeting called for this purpose. A reply from the Town Board concerning the leave of absence without pay shall be furnished to the employee in writing as soon as possible following the next Town Board Meeting.

Upon the expiration of a leave of absence without pay, the employee shall be reinstated to the position occupied at the time the leave was granted, with restoration of all benefits and credits previously earned. While an employee is on leave of absence without pay, they will not accumulate any additional credits.

Termination of service during or at the end of a leave of absence will precipitate payment of vacation time at the rate of pay at the time the leave commenced.

In order for any employee to receive a salary increase on January 1st of the next calendar year following a leave of absence, the employee must have worked at least six (6) months in the calendar year in which they returned to full time employment from such leave.

Operational Policies

Section 8-1 Drug and Alcohol Policy

The Town of Covert does not condone the use of illegal drugs and the excessive use of alcohol products which effect job performance.

New employees of the Town are required to undergo drug and alcohol testing prior to being hired.

Town employees who are convicted of the use of illegal drugs whether on Town property, in Town vehicles or during their off time will be subject to dismissal from Town employment.

Town employees who use alcohol beverages while on duty, on town property, in town vehicles or who arrive at work with a blood alcohol content of 0.04 or more will be considered for disciplinary action up to and including dismissal.

Town employees who are convicted of a DWI offense will be considered for disciplinary action up to and including dismissal.

In addition those employees who are considered to be in “safety-sensitive” positions according to FHWA rules and those whose job require a CDL license are required to abide by special rules. These include not having used alcohol for at least four hours before reporting for

work and having a blood alcohol of 0.02 or less when reporting for work. See Appendix A for a detailed list of the FHWA rules.

Section 8-2 Smoking Policy

The Town Board recognizes that, while smoking and second hand smoke is not good for the health of its employees, smoking is a personal lifestyle choice and both smokers and non-smokers have certain rights.

Smoking is prohibited in all indoor places of employment of town employees under the jurisdiction and control of the Town of Covert except in areas specifically designated for smoking.

Smoking shall be prohibited in restrooms, auditoriums, and court rooms. Smoking is prohibited in an area which contain photocopying equipment or other office equipment used in common and in any Town vehicles.

Smoking areas will be designated by the Town Board for employees who wish to smoke and will be clearly marked “smoking permitted”.

The Superintendent of Highway shall designate in the highway garage or other building in which town highway employees work a specific enclosed smoking area (if one is required) clearly marked by a sign “Smoking Permitted”.

Employees found smoking outside of designated smoking areas will be considered in violation of this policy and may be subjected to penalties including reprimand and suspension. Repeat offences may result in dismissal.

The Superintendent of Highways shall be designated as agent to aid in the enforcement of this policy by notifying employees who are in violation.

Section 8-3 Time Records Policy

Certain employee’s time records are kept in the Town Highway Superintendent’s office and others in the Town Clerk’s office. Employees are entitled to peruse such records at a time convenient for the Town Highway Superintendent or the Town Clerk. Copies of such records may be obtained by written request and by paying the applicable copying fee.

Section 8-4 Vehicle Usage

Town vehicles are for the exclusive use for Town projects and projects that involve cooperative work with adjacent villages, towns, county and state highway crews. They are not to be used on private land or to assist private individuals except during declared “states of emergency” situation.

Section 8-5 Supplies, Tools and Equipment usage

Supplies, tools and equipment are for the exclusive use for Town projects and projects

that involve cooperative work with adjacent villages, towns, county and state highway crews. Tools are not to be lent out to private individuals. They are not to be used on private land or to assist private individuals except during declared “states of emergency” situation.

Section 8-6 Fuel Usage

Fuel from the Town of Covert’s pumps and storage facilities is not to be placed in other than town owned vehicles or in emergency situations, emergency equipment such as fire trucks and ambulances. Private vehicles are not to be used for town business because of non-insurance coverage and will not be reimbursed.

Section 8-7 Email, Telephone & Other Electronic Communication Policy

(Established by board resolution 4/14/2008)

Purpose - the purpose of this policy is to establish measures for the protection, access, responsibility and acceptable use of Town of Covert’s e-mail electronic hardware, software, electronic system and associated data.

Policy - the information resources and systems (electronic hardware, software electronic systems, e-mail, fax machines, voice e-mail, computers, internet, web sites, etc.) owned by the Town of Covert are to be used for town related business and not generally for personal purposes. These resources and systems are implemented for the specific purposes of supporting the Town’s mission, values and goals. The network and internet are provided for staff to conduct research, prepare reports and communicate with others in support of their job tasks. Access is a privilege, not a right and therefore entails responsibilities. Users of the Town’s computer network are responsible for their behavior and communications over those networks.

Occasionally, personal use of the computer, cell phone and hardwire phones may occur. The definition of “occasional” is as follows: One or two personal phone calls or emails per day. Phone calls shall be limited to five minutes in duration. Use of the Internet during scheduled breaks and lunch hour which conform to the policy will be allowed.

The same ethical conduct that applies to all Town facilities also applies to these systems.

1. Computers, fax machines and e-mail systems are the property of the Town of Covert and should only be used for business purposes. Any non-business use is generally prohibited. It is not to be used for viewing, printing or downloading non-business related information such as stock quotes or pornographic information or images. All information received from or stored in these systems is the Town’s property

2. All telephone communication systems and electronic mail systems owned by the Town of Covert are intended to be used for Town related business and are not generally for personal use. Limited personal use of the system is authorized, provided it does not interfere with the employees work. The employee should have no expectation of privacy in connection with the use of these systems or the transmissions received and storage of information on these systems. All passwords or access codes are the Town’s property and no such code may be used unless approved by the Town. Charges related to the use of these systems for cell phones and long distance must be reimbursed to the Town immediately upon receipt of the bill.

3. These systems including phones, e-mail and internet messages may not be used for any of the following purposes or any other purpose that is illegal, unethical, dishonest, and

inconsistent with the mission of the Town or damaging to the Town's reputation. Impermissible uses include, but are not limited to the following: Harassment, libel or slander, fraud, theft, destruction of information, violations to other information systems policies and procedures. E-mail messages containing sexual comments or images, racial slurs, discriminatory comments or harassing comments are prohibited.

4. The Town of Covert reserves the right to inspect, examine, monitor and/or upgrade Town owned information, computers or telecommunication systems. Monitoring may include for example listening to stored voice mail messages or monitoring e-mails (entering, leaving or stored on Town systems, etc). An Employees use of the system constitutes their consent to this access and disclosure.

5. The Town of Covert's information system is to be used by authorized personnel including full and part-time employees. All others are prohibited from placing any type of files on the computer system, including its diskettes, CD-ROMs, internet download and e-mail attachments.

6. Software is not to be downloaded from the internet or from outside sources. It is illegal to download and use software for which the Town has not purchased or received authorization from the copyright owner.

Consequences of Violation of this policy

The information presented is intended to be illustrative of the range of acceptable and unacceptable uses of the internet and is not necessarily exhaustive. Questions concerning specific uses related to security issues and/or uses not enumerated in this policy statement and reports of specific unacceptable uses should be directed to the Chairman of the Town of Covert's Personnel Committee.

The Town of Covert Town Board will review alleged violations of this policy on a case-by-case basis. Clear violations of this policy will result in disciplinary action as appropriate.

First offense will result in a verbal warning.

Second offence will result in a suspension of internet use for a minimum of three months.

Third offense will result in a suspension of internet use for a minimum of six months.

Offenses after the third offense will result in disciplinary action up to and including termination.

Acts which are unlawful as prescribed by the state or federal law will result in discipline up to and including termination and the involvement of the law enforcement community and district attorney's office.

Section 8-8 Personal Appearance and Conduct

Employees of the Town of Covert are the first contact that many people in the community have with the town. Their appearance and conduct go a long way to a favorable impression which taxpayers and others have of the professional nature of the work they will be performing. While it is understood that much of the work being done may not always lead to a clean and neat work environment, employees should be as conscious of their appearance and conduct as possible.

Section 8-9 Credit Card Policy

Resolution 10-14 Approved by Town of Covert Town Board August 11, 2014

Motion By: Bosman, Seconded by: Vann, Vote: Aye-Bosman, Aye-Hunt, Aye-Vann and Aye-Waid

It is the duty of the Town government to purchase supplies and materials in the most efficient and cost effective means possible. In today's economy a credit card is an effective tool to provide efficient purchasing while providing proper controls as required by law.

In order to insure safe and effective controls, the Town board of the Town of Covert adopts the following rules and requirements for credit card purchasing:

1. The credit card shall have a maximum limit of \$5000.
2. The credit card shall be kept in a secure location (safe or locked file) when not in use.
3. The credit card shall be used in those businesses and locations at which the Town of Covert does not have an open account.
4. The Supervisor of the Town and/or the Town Clerk may use the card for purchases of maintenance supplies, office supplies, building repair, cleaning products and other similar materials up to a maximum purchase price of \$500. The card may also be used for conference expenses that have received prior Town Board approval.
5. Any amount above that specified above must receive prior approval from the Town of Covert board and must adhere to the Town of Covert procurement policy (Section 14-1 policy manual)
6. The credit card shall be set up such that bills are received in time to be processed for the monthly board meeting and should be presented to the board on a proper voucher for approval.

Section 9-1 Town of Covert Ethics Code Law- Adopted 12/21/1970

Pursuant to the provisions of section 806 of the General Municipal Law, the Town Board of Covert recognize that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained.

It is the purpose of this code of ethics to promulgate these rules of ethical conduct for the officers and employees of the Town of Covert. Every officer employee, or person representing the Town of Covert whether, paid or unpaid, shall be subject to and abide by the following standard of conduct:

1. **Gifts** - The officer, employee or representative may not directly or indirectly solicit, receive or accept any gift having a value of \$ 25.00 or more in any form or in any case where it could reasonably be inferred that the gift was intended to or could influence him or her in the performance of their official duties.

2. **Confidential Information** - No officer, employee or representative shall disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

3. **Representation Before One's Agency** - No officer, employee or representative shall receive, enter any agreement, expressed or implied, for compensation for services to be given in relation to any matter before any municipal agency to which they belong.

4. **Representation before any agency for a contingent fee** - No officer, employee or representative shall make an agreement for compensation for services to be rendered in relationship to any matter before any agency of this municipality, where the compensation is to be dependent upon any action of the agency.

5. **Disclosure of Interest in Legislation** - To the extent that they know thereof, officer, employee or representative of the Town of Covert shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest in such legislation.

6. **Investments in Conflict with Official Duties** - No investment may be held by officer, employee or representative of the Town of Covert which creates a conflict of interest or impairs the proper discharge of their official duties.

7. **Private Employment** - No officer, employee or representative of the Town of Covert may engage in private employment which creates a conflict of interest or impairs the proper discharge of their official duties unless they so state and reclude themselves.

8. **Penalties** -In addition to any penalty contained in any other provision of the law, and person who knowingly and intentionally violates any of the provisions of this code may be fined, suspended or removed from office or employment in the manner provided by law.

The clerk of the board of the Town of Covert shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town of Covert within 10 days of the effective date of this resolution.

Each officer and employee of the town of Covert shall be furnished a copy of this ethics code before entering upon the duties of their office or employment.

Section 10-1 Drug and Alcohol Testing Policy

Effective January 1, 1996

The Town of Covert drug and alcohol testing policy is to conform to federal laws regarding rules governing drug and alcohol testing for employees in safety sensitive jobs.

As an employer, the Town of Covert maintains a strong commitment to provide a safe and effective work environment for its employees and the public they serve. This policy is based upon the Town's practice and policy prohibiting the use of alcohol and drugs on the job or prior to reporting to work. The policy is consistent with the Federal Drug Free Workplace Act of 1989 and the Omnibus Transportation Employee Testing Act (OTETA). It is the intent of this policy to assure compliance with Federal and State law and regulations regarding drug and alcohol testing of employees.

As a result of enactment of OTETA, the Federal Highway Administration (FHWA) instituted rules that mandate alcohol and drug testing for employees in positions requiring a commercial driver's license (CDL) and defined as safety sensitive. These rules, which became effective January 1st, 1996, require pre-employment, reasonable suspicion, random follow-up, and return to duty drug and alcohol testing.

Program Requirements

Employees subject to testing - FHWA rules provide that safety sensitive employees who operate vehicles requiring a CDL must be subject to drug and alcohol testing. A CDL is required of any person who operates a motor vehicle defined as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26001 or more pounds inclusive of a towed unit with gross vehicle weight rating of more than 10,000 pounds OR
2. Has a gross vehicle weight rating of 26,001 or more pounds; OR
3. Is designed to transport 16 or more passengers, including the driver; OR
4. Is of any size and is used in the transport of materials found to be hazardous for the purpose of the Hazardous Materials Transport Act. Examples of positions deemed to require a CDL include bus drivers, drivers of trucks over 26000 GVWR and snowplow drivers.
5. Each department shall identify a complete listing of the safety-sensitive job functions and corresponding position titles located in the respective organizations. That listing shall be attached to this policy memorandum and shall be updated as necessary.

Participation as a Condition of Employment

All employees in, or applicants for, positions defined as safety sensitive above, must participate in the drug and alcohol testing program prescribed FHWA rules as a condition of employment. **Failure to participate and comply with the program requirements may result in disciplinary action up to and including termination of employment.**

Prohibited Behavior

1. No employee shall use, distribute, dispense, possess or manufacture any alcoholic beverages or illegal drugs or any other intoxicating substances on a job site, or town property while on duty, while in a town vehicle, in a vehicle leased for town business, or a private owned vehicle being used for town business during the employee's work hours.
2. No employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch or test period as a result of consuming alcohol, illegal drugs or

other intoxicant. Further, no employee notified of being in a safety sensitive position as defined by the Omnibus Transportation Act of 1991 and the FHWA rules shall report to work in a condition that violates that act and the corresponding rules.

3. Effective January 1st, 1996, an employee in a safety-sensitive position is further prohibited from the use of alcohol four (4) hours prior to performing safety-sensitive functions. No supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to perform safety-sensitive functions.

4. In some cases, the use of prescription or over the counter drugs may cause impairment which prohibits the employee from performing safety-sensitive functions. It is the responsibility of an employee on prescription or over the counter medication which may impair performance to consult with their physician or pharmacist regarding its effect and inform their supervisor if they may be impaired. An employee may be required to have their physician certify that medication does or does not adversely affect the employee's fitness for duty.

5. Federal rules governing safety-sensitive positions determine the provisions of drug and alcohol testing related to accidents. Further, for employees in non safety-sensitive positions, any work related accident or injury involving Town vehicles, equipment or property where it can be demonstrated that the use of alcohol, drugs or other intoxicants was a contributing factor **may result in disciplinary action up to and including termination of employment.**

6. Violation of these rules may result in disciplinary action up to and including termination of employment.

Circumstances for Testing

FHWA rules require that drug and alcohol tests be given to safety-sensitive employees in specific circumstances: pre-employment, reasonable suspicion, post accident, random, return to duty and follow-up.

1. Pre employment testing - the FHWA rules require that all applicants for employment in positions requiring a CDL or individuals being transferred into such a positions must be given pre-employment drug and alcohol tests. Applicants may not be hired or assigned to a safety-sensitive function unless they complete and pass the tests. Prior to conducting the tests, departments must inform the applicant or employee of the testing requirement. Vacancy announcements and job postings must stipulate that passing drug and alcohol tests is a condition of employment. Further, applicants may be required to sign a document acknowledging that they know they are subject to testing.

2. Reasonable Suspicion Testing - The FHWA rules require that an employee in a safety-sensitive position must be directed to undergo alcohol or drug testing when the supervisor has reasonable suspicion of alcohol in violation of OTETA and FHWA regulations. The request to undergo a reasonable suspicion test must be based on specific contemporaneous, particularly reliable observations concerning the appearance, behavior, speech or body odor of the employee.

3. Post-accident testing - The FHWA rules provide that as soon as practical following an

accident, tests for alcohol and controlled substances shall be administered to employees performing safety-sensitive functions, if the accident involves the loss of human life or the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Drug tests must be performed within thirty two (32) hours following the accident. Alcohol tests must be performed within two (2) hours following the accident. If not the town must still attempt to administer the test and must also prepare and maintain a record stating the reason(s) the test was not promptly administered. If the alcohol test is still not administered within eight (8) hours following the accident, the town shall cease attempts to administer the test and still maintain the same record.

A safety-sensitive employee shall not use alcohol for eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

The requirements to test for alcohol and drugs following an accident shall in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, an employee who is subject to post accident testing shall remain available for such testing or may be deemed to have refused to submit to testing.

4. Random Testing - the FHWA rules require that safety-sensitive employees be subject to random drug and alcohol testing. The selection of employees for random alcohol and drug testing shall be made by a scientifically valid random number selection method. The selection process shall assure that each employee shall have an equal chance of being tested each time selections are made. Selection shall be made by a third party employed to administer the alcohol and drug testing program. The minimum number of subject positions testing for alcohol and drug testing shall be 25% of the average number of subject positions. The test dates shall be spread reasonably throughout the year with no established pattern. Testing shall be unannounced as well as random. Once the employee has been notified that they have been selected for random testing, the employee shall report immediately to the testing site. Employees shall be individually and discreetly notified to report to the collection site and they shall be assured that they have been selected for a routine test. Schedules shall be adjusted so that additional personnel may be available to substitute for the employees being tested.

5. Return to duty testing - Before any employee is allowed to return to duty to perform a safety-sensitive function following a verified drug test result, an alcohol result of 0.04 or greater, or a refusal to submit to a test, that employee must undergo a return-to-duty test. The return-to-duty alcohol test result must indicate an alcohol concentration of less than 0.02. The return-to-duty drug test result must indicate a verified negative result for controlled substance use. Within a month of returning to work, the employee must be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee may need including participation in any rehabilitation program.

6. Follow-Up Testing- Once allowed to return to duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12) but not more than sixty (60) months. The frequency and duration of the follow-up testing will be recommended by a substance abuse professional (SAP) as long as a minimum of six (6) tests are performed during the first twelve months after the employee has returned to duty. Employees subject to follow-up testing must also remain in the standard random pool. Follow-up testing will be paid by the employee.

Behavior That Constitutes a Refusal to Submit to a Test

The following actions or behaviors shall constitute a refusal to submit to a required test.

1. Refusal to take the test.
2. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical examination.
3. Tampering with or attempting to adulterate the specimen or collection procedure.
4. Failure to report to the collection site in the time allotted.
5. Failure to remain readily available for post-accident testing for eight (8) hours or until the employee undergoes testing, whichever occurs first.

Refusal to Submit to a required Alcohol or Drug Test

Refusal or failure to submit to a required alcohol or drug test constitutes a failed test resulting in immediate removal from safety-sensitive duty and appropriate disciplinary action. The employee may not return to safety-sensitive duty until they have undergone return-to-duty testing with verified negative results. The employee shall also be subject to the provisions for follow up testing as prescribed in that section of this policy.

Testing Procedure Drug Testing

1. Drug testing is conducted by analyzing the employee's urine specimen. Specimens are collected in an off-site facility which must meet the "Procedures for Transportation Drug and Alcohol Test Program" (49CFR, Part 40) requirements to assure privacy and the integrity of specimen collection. The employee provides a urine specimen, which is sealed and labeled by an authorized agent of the testing organization. A chain of custody document is completed and the specimen is shipped to a certified laboratory. The specimen collection procedure and chain of custody ensure that a specimen's security, proper identification and integrity is not compromised.

2. The OTETA requires that drug testing procedures for safety sensitive employees include split specimen techniques. Each urine specimen is sub-divided into two containers labeled as primary and split specimens. Both specimens are forwarded to a laboratory certified by the U.S. Department of Health and Human Services (DHHS). Only the primary specimen is used in urinalysis. The split specimen remains sealed and stored unless, and until, it is required for confirmation of a positive test.

3. An initial screening test is performed. If the test is positive for one or more drugs, a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medications are reported as positive results.

4. If the analysis of the primary specimen confirms the presence of controlled substances, the employee has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis. The split specimen procedure provides the employee

with an opportunity for a second opinion. The cost of the second test is born by the employee.

5. All drug test results are reviewed and interpreted by a physician, the Medical Review Officer (MRO) before they are reported. If the laboratory reports a positive result to the MRO, the MRO contacts the employee and conducts an interview to determine if there is an alternative medical explanation for the presence of a controlled substance in the specimen.

6. If the employee provides appropriate documentation and the MRO determines that there is a legitimate medical use of the prohibited drug, the test result is reported as negative.

7. Urine specimens are analyzed for the following drugs:

Marijuana (THC Metabolite)

Cocaine

Amphetamines

Opiates (including heroin)

Phencyclidine (PCP)

ALCOHOL TESTING

1. FHWA rules provide that alcohol testing is conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). The breath test must be performed by a breath alcohol technician (BAT) trained in the operation of the EBT and in the alcohol testing procedures prescribed by the rules.

2. Two breath tests are required to determine if a person has a prohibited alcohol concentration. Any result from the screening test is considered negative if the alcohol concentration is less than 0.02. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The employee and the BAT complete the alcohol testing form to ensure that results are properly recorded. The confirmation test must be conducted using an EBT that prints the results, date, time, in sequential test numbers, and the name and serial number of the EBT to ensure the reliability of the results.

Confidentiality of Test Results

Employee alcohol and drug testing results and records are maintained under strict confidentiality by the Town of Covert, the drug testing laboratory, the alcohol testing facility and the medical review officer. The results cannot be released to any other party except a substance abuse professional without consent of the employee.

Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation or administrative proceedings arising from a positive drug test or violation of these rules.

Statistical records and reports are maintained by the alcohol and drug testing provider. The information is aggregate data and is used only to monitor compliance with the FHWA rules.

Consequences of the Use of Drugs and the Misuse of Alcohol

Consequences of the Alcohol Misuse - Employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. The following circumstances constitute prohibited behavior.

(continued)

1. Employee has an alcohol concentration of 0.02 or greater, but less than 0.04 as determined by EBT results, when tested just before, during or just after performing safety-sensitive functions.

2. Employee has consumed alcohol within four (4) hours of performing safety-sensitive

functions.

3. Employee has consumed alcohol while performing safety-sensitive functions.
4. Employee has consumed alcohol during the eight (8) hours following an accident or until the employee has undergone a post-accident alcohol test.
5. Employee refused to submit to a required alcohol test (see above).
6. Employee has an alcohol concentration of 0.04 or greater as determined by EBT results, when tested just before, during or just after performing safety-sensitive functions.

Employees found to have violated any of the above provision shall be immediately removed from safety-sensitive duty for twenty-four (24) hours and the incident shall be recorded. Further, the employee will be subject to disciplinary action up to and including termination of employment.

No employee who has engaged in any prohibited alcohol conduct as defined above shall be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing a safety-sensitive function, the employee must undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 this test will be paid by the employee along with any charges of the substance abuse professional.

Consequences of the Use of Drugs - An employee who has a verified positive drug test result must be immediately removed from safety-sensitive functions. The employee who has a verified positive drug test result shall not be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing a safety-sensitive function, the employee must undergo a return to duty substance test with a verified negative result.

An employee who has an initial verified drug test result will be subject to disciplinary action up to and including termination of employment. However, before any disciplinary action is initiated in the case of an employee who has an initial verified positive drug test, the employer shall provide the employee the choice not to participate in a rehabilitation program. If the employee chooses not to participate in a rehabilitation program, the employee is subject to the disciplinary provisions of the policy.

Any subsequent verified positive drug test will result in disciplinary action up to and including termination of employment.

Training for Supervisor

The Town of Covert shall ensure that all supervisors and other persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing must receive a minimum of sixty (60) minutes of training on alcohol misuse and a minimum of sixty (60) minutes of training on controlled substances use. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. The training shall include an overview of the program requirements, disciplinary procedures, confrontation and documentation procedures and rehabilitation and treatment options which are available.

Training for Safety-Sensitive Employees

The Town of Covert shall ensure that all employees performing job functions deemed safety-sensitive shall be trained for a minimum of sixty (60) minutes on the effect and consequences of prohibited drug use on personal health, safety, and the environment as well as the manifestation and behavioral signs that may indicate prohibited use.

Supervisory Responsibilities

It is the policy of the Town of Covert that:

1. Supervisors are responsible for determining through direct observation whether an employee is capable of performing their assigned duties. Determinations shall be based on specific, contemporaneous, articulable, reliable observations concerning the appearance, behavior, speech or body odor of the employee.
2. Employees who are suspected of being unfit for duty as a result of alcohol or drug use should be required to undergo reasonable suspicion drug and/or alcohol testing in accordance with FHWA rules and this policy. Supervisors should immediately bring their observations to the attention of the Highway Superintendent in order that arrangements for testing can be implemented as soon as practical.
3. Employees who are suspected of being impaired and unfit for duty may not remain at the workplace. Incidents and behavior described in # 1 above should be witnessed and documented immediately. The supervisor's superior should be consulted and advised of the incident. An employee who is impaired should not be allowed to drive home from the work place.
4. The fact that an unfit employee engaged in prohibited behavior as defined above, was not allowed to remain at work or is removed from safety-sensitive duties is not considered a disciplinary suspension. After the employee is removed from safety-sensitive duties or removed from the workplace, supervisors and management should discuss the specifics of the situation with the Town Personnel Committee Chairman to review appropriate disciplinary actions. Each situation will be evaluated on a case-by-case basis.

Management Responsibilities

It is the policy of the Town of Covert that:

1. A drug and alcohol free workplace shall be maintained through the efforts and personal example of management.
2. Supervisors who fail to perform their duties and responsibilities as outlined in this policy will be subject to disciplinary action up to and including termination of employment.
3. Supervisors are encouraged to discuss with employees any behavior or job performance factors that may indicate the use of drugs, alcohol or other violation of this policy and to suggest, when appropriate, that the employee seek assistance through local or regional substance abuse professionals.
4. Effective January 1st, 1996, the Highway superintendent shall direct employees in designated safety-sensitive positions to comply with the provisions for pre-employment, reasonable suspicion, ransom, post accident, return to duty, and follow up testing in accordance with the FHWA rules.

5. Supervisors who make reasonable suspicion determinations must receive training on the physical, behavioral, and performance indications of probable drug use and alcohol misuse. Supervisors will be instructed on the principle of the “reasonable prudent individual” in reasonable suspicion decisions

Section 11-1 POLICY AGAINST DISCRIMINATION AND HARASSMENT

- 1: PURPOSE
 - A. Scope of Policy
 - B. Policy Objectives
- 2: DEFINITIONS
- 3: POLICY
- 4: POLICY ENFORCEMENT
 - A. Complaint Procedure for Employees
 1. Notification Procedure
 2. Making a Complaint
 3. Supervisory Responsibilities
 4. Bystander Intervention
 - B. Time for Reporting a Complaint
 - C. Confidentiality and Privacy
 - D. Acknowledgment of Complaint
- 5: INVESTIGATION PROCEDURES
 - A. Timing of Investigations
 - B. Method of Investigation
 - C. Notification to Complaining Party and the Accused Party
 - D. Remedial Measures
- 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY
- 7: APPEALS
- 8: RECORD KEEPING
- 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES
- 10: QUESTIONS
- 11: COMPLIANCE OFFICERS
- 12: EFFECTIVE DATE AND POLICY DISSEMINATION

1: PURPOSE

The Town of Covert believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the The Town of Covert, (hereinafter “Municipality”), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the Municipality’s policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, prior arrest or conviction record, domestic violence victim status or any other characteristics protected by applicable federal, state or local law.

- A. Scope of Policy** This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term “employees” refers to this collective group. This Policy applies with equal force on Municipality property as it does at Municipality-sponsored events, programs, and activities that take place off Municipality premises.
- B. Policy Objectives** By adopting and publishing this Policy, it is the intention of the Municipality’s governing body to:
- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
 - (2) Inform employees about the complaint and investigation procedures established by the Municipality that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
 - (3) Clearly advise all supervisory staff, managers, and employees that harassment, discrimination and retaliation is strictly prohibited and no such person possesses the authority to harass or discriminate; and
 - (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in *Section 11* of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

2: DEFINITIONS

“Prohibited Discrimination of Employees”

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a Municipality employee or official or a third party engaged in activities sponsored by the Municipality which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

“Harassment”

Harassment is strictly prohibited and includes, but is not limited to, any conduct that is unwelcome and that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual’s membership in one or more of the protected categories. Harassment does not have to be severe or pervasive to be illegal or violate this policy. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

“Sexual Harassment”

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

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do.

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

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of subjecting an employee to inferior terms, conditions, or privileges of employment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

Who can be the target of harassment?

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

Where can harassment occur?

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are working remotely, traveling for business or at employer sponsored events or parties. Harassment can occur on virtual meeting platforms, in messaging apps, and between personal cell phones. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

“Prohibited Behavior and Examples of Harassment, including Sexual Harassment”

Specific forms of behavior the Municipality considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below are examples and should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping; continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome; and unwelcome advances

or demands based on someone's protected characteristic. This includes verbal remarks made over virtual platforms and in messaging apps when employees are working remotely.

- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic. This includes the virtual or remote workspace and can include materials visible in the background of one's home during a virtual meeting.
- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.
- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, or name-calling.

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

3: POLICY

The Municipality prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Municipality will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance

Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in *Section 11* of this Policy.

4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. Notification Procedure

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another supervisor. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another supervisor. Employees should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can occur in different degrees, potential discipline for engaging in harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

2. Making a Complaint

Complaints are accepted orally and in writing. All employees are encouraged to use the Municipality's "Complaint of Alleged Discrimination" form. A copy of

this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked, or from the Municipality's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Municipality encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from any one of the Compliance Officers or the supervisor to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the Municipality's Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Municipality's Compliance Officers.

Complainants are expected to cooperate with the Municipality's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

3. **Supervisory Responsibilities**

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason suspects that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Municipality's Compliance Officers.

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

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

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the emotional impact to the complainant as well as all parties involved. Supervisors and managers will ensure complaints are handled with sensitivity and without retaliation.

4. **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. The following are standard methods of bystander intervention that can be used by a witness to discrimination or harassment who wants to intervene:

- a. Interrupting harassment by engaging with the individual being harassed;
- b. Asking a third party to help intervene in harassment;
- c. Making a record of the harassment to benefit a future investigation;
- d. Following up with the harassed individual and confirming the behavior was not okay; or
- e. If safe, confronting the harasser(s) and naming the behavior as inappropriate. When confronting harassment, physically assaulting an individual or reciprocating by engaging in harassment, is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide for how to react when witnessing harassment in the workplace. As set forth above, any employee witnessing harassment as a bystander is encouraged to report it; a supervisor or manager who is a bystander to harassment is required to report it.

B. Time for Reporting a Complaint

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

C. Confidentiality and Privacy

The Municipality shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the Municipality may be required by law to contact and cooperate with the appropriate law enforcement authorities. During the pendency of an investigation the Municipality will consider implementation of appropriate mitigating measures in an effort to ensure against retaliation and ensure complaints and investigations are handled with sensitivity toward those participating.

D. Acknowledgement of Complaint

Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

5: INVESTIGATION PROCEDURES

A. Timing of Investigations

The Municipality will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The Municipality will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

B. Method of Investigation

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by Municipality Compliance Officers, Municipality's legal counsel, and/or other impartial persons designated by the Municipality. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur?;
- Did the conduct complained of violate this Policy?; and
- What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation, depositions, observations, or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any remedial actions.

C. Notification to Complainant Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party. The Municipality will remind the individual(s) reporting the complaint of his/her rights pursuant to the Legal Protections and External Remedies Section of this Policy.

D. Remedial Measures

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from Municipality property.

6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours). Examples of retaliation may include, but are not limited to: demotion, termination, denying accommodations, reducing hours, or the assignment of less desirable shifts; publicly releasing personnel files; refusing to provide a reference or providing an unwarranted negative reference; labeling an employee as “difficult” and excluding him/her from projects to avoid “drama;” undermining an individual’s immigration status; or reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Retaliation is strictly prohibited by this Policy and by law against anyone for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

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

Complaints of retaliation should be brought directly to a Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

7: APPEALS [OPTIONAL]

Any complainant or accused party who wishes to appeal the conclusion which the Municipality reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Municipality's governing body. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The Municipality's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived there from, the Municipality's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to in any way confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Municipality's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Municipality at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

8: RECORD KEEPING

The Municipality shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Municipality shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Municipality shall also maintain these documents for, at a minimum, three years.

The Municipality's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the Municipality but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

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

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and harassment based on other protected characteristics set forth in this Policy, and protects employees, paid or unpaid interns and

non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the discrimination or harassment. Complaints of sexual harassment may be filed with DHR at any time **within three years** of the alleged sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees (in sex discrimination and sexual harassment cases only) and civil fines.

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

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination or harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC

will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

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

10: QUESTIONS

Any questions by employees of the Municipality about this Policy or potential harassment or discrimination should be brought to the attention of one of the Municipality’s Compliance Officers. The names, addresses, and telephone numbers of the Municipality’s Compliance Officers are listed in *Section 11* of this Policy.

11: Compliance Officers

<u>Michael Reynolds</u>	<u>3522 West Ave, Interlaken, NY 14847</u>
Name	Office Location

<u>607-227-8416</u>	
Telephone Number	Mail Box Location

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

From: The Town of Covert
To:
Subject: Policy Against Discrimination and Harassment

The Municipality is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subjected to harassment or discrimination in the workplace. It is the Municipality's policy to provide a workplace environment free from harassment and discriminatory practices.

The Municipality has adopted and disseminated a revised Policy Against Discrimination and Harassment. Please sign the attached acknowledgement that you have received a copy of the revised Policy, have reviewed it, and have been afforded an opportunity to ask a Municipality Compliance Officer any questions you may have regarding the Policy. Return the signed acknowledgement to **Covert Town Clerk, 8469 S Main St, Interlaken.**

Thank you for your assistance in this matter. If you have any further questions regarding this Policy, feel free to contact **Michael Reynolds, Compliance Officer.**

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

I, _____, have received the Municipality's Policy Against Discrimination and Harassment adopted effective _____. I have reviewed this Policy, and I have had the opportunity to ask questions regarding the Policy.

Signature of Employee

Date

SECTION 12-1 VIOLENCE PREVENTION POLICY & INCIDENT REPORTING

It is the Town of Covert's policy to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our work place, no one is immune to such conduct. Disruptive behavior at one time or another will affect every work place.

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

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

The goal of this policy is to promote the safety of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Covert has identified response personnel that include a member of the management and an employee representative. If appropriate, the Town of Covert will provide counseling services or referrals for employees.

All Town of Covert personnel are responsible for notifying the contact person (the Town Supervisor) of any violent incidents and threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Town of Covert
COMPLAINT FORM

In order to assist the Town of Covert in investigating your allegations of harassment, discrimination or retaliation in a prompt and thorough fashion, please complete this form to the best of your abilities and with as much detail as you are able. Once completed, please submit this form to a Municipal Compliance Officer identified in Section 11 of the Municipal Policy Against Discrimination and Harassment. If additional space is needed in order to respond to any question below, please attach additional pages as necessary and identify which question corresponds to the information set forth in the additional pages. Any questions regarding this form may be directed to a Municipal Compliance Officer. No individual will be retaliated against for filing a complaint.

Name of Complainant: _____ Date Submitted: _____

Job Title: _____

Address: _____

Homephone: _____ Cell: _____ Work: _____

(Please circle the number you'd prefer us to call)

Email: _____

Name of Victim (if different than Complainant): _____

Basis of this complaint (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Race/color | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Transgender status |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Genetic predisposition |
| <input type="checkbox"/> Sex/gender | <input type="checkbox"/> Military/veteran status |
| <input type="checkbox"/> Sexual harassment | <input type="checkbox"/> Citizenship |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Religion/Religious creed |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Domestic violence victim status |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Other/Not sure |

If checked "Other/Not Sure," please briefly explain:

Time(s) and date(s) the incident(s) took place:

Name(s) and office address of the individual who allegedly engaged in the harassment, discrimination or retaliation. If more than one, list all.

Name: _____

Location: _____

Describe the incident(s) which occurred with as much detail as you are able, including why you believe the incident(s) constitutes harassment, discrimination or retaliation (please attach any documentation or evidence you believe is relevant to the incident):

Describe briefly what you would consider to be appropriate resolution of the conduct described above: (Please note that the Town of Covert retains the sole discretion and authority to determine the appropriate disciplinary and/or corrective action to be taken with regard to meritorious complaints. This question should not be construed in any way to constitute a forfeiture of that discretion or authority.)

Identify all persons who witnessed the incident(s) described above:

_____	_____
_____	_____
_____	_____

Please identify any other persons you believe have knowledge important to the incident(s) in question, including his/her contact information and a brief description of the knowledge held by each person:

Have you filed a complaint or charge with a Federal, State, or Local Government agency related to the incident(s) identified above?

Yes _____ No _____

Has this incident or occurrence been previously reported to the Town of Covert?

[] Y [] N. If yes, when and to whom?

If the incident or occurrence has been previously reported, please describe the remedy, outcome or resolution:

I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief.

Complainant's Signature _____

Date _____

Received by:

Signature
Print Name:

Date

For Employer Use Only - To be Completed Upon Receipt

Recipient of Complaint (print): _____

Date, Time and Manner (e.g. personal delivery, mailbox, etc.) of Receipt: _____

Notes: _____

SECTION 13-1 TOWN OF COVERT INVESTMENT AND DEPOSIT POLICY

Pursuant to section 39 of the General Municipal Law, the Town of Covert hereby adopts the following **Investment and Deposit Policy** for all town monies.

The objectives of the Town of Covert investment and deposit policy are to minimize risk, to insure money is available when requires and to insure a competitive rate of return.

Permitted Investments

In accordance with this policy, the Chief Fiscal Officer (the Supervisor) is hereby authorized to deposit town funds in:

1. Certificates of Deposit issued by a bank or trust company authorized to do business in New York State and/or
2. Time deposit accounts with a bank or trust company authorized to do business in New York State and/or
3. Checking accounts with a bank or trust company authorized to do business in New York State. These checking accounts will be interest bearing if it is in the best interest of the town of Covert.

Collateral

All deposits in any of the above type of accounts shall be fully secured by insurance in the Federal Deposit Insurance Corporation or by collateral in the form of obligations of New York State or obligations of the United State or obligations of federal agencies, the principal and interest of which are guaranteed by the United States or obligations of New York State local governments.

Eligible securities used for collateral shall be held by a third party bank or trust company with a written custodial agreement identifying the custodian and the securities with their value as of the day of the custodial agreement.

Internal Controls

The Chief Fiscal Officer (Supervisor) is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transfers are executed in accordance with the Town Council's authorization and properly recorded, and are managed in compliance with applicable laws and regulation.

Depository

The Town of Covert shall annually designate a bank or trust company authorized to do business in New York State as authorized for the deposit of Town monies. Maximum amounts of these deposits will be determined at the time of authorization if the town council so desires.

Review

The Town of Covert Investment policy shall be reviewed annually by the Town Board at their annual reorganization meeting in January as part of the policy handbook..

SECTION 14-1 PROCUREMENT POLICY

Section 104-B of the General Municipal Law requires that every town adopt internal policies and procedures governing all procurement of goods and services that are not required by law to be procured

pursuant to competitive bidding . Items in these categories must be procured in a manner so as to assure the following:

1. The prudent and economical use of public moneys, in the best interest of taxpayers,
2. To facilitate the acquisition of goods and services of maximum quality at the lowest cost under the circumstances
3. To guard against favoritism, improvidence, extravagance, fraud and corruption.

To further these objectives, the Town Board of the Town of Covert has adopted these internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the requirements of the general municipal law, section 103 or of any other general, special or local laws.

Guideline 1

Every prospective purchase of goods or services shall be evaluated to determine the application of General Municipal law, Section 103. Every Town officer, Town board member, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town department and past history to determine the likely value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2

All purchases of:

- A. Supplies or equipment which will exceed \$20,00 in the fiscal year or
- B. Public works contract over \$35,000

Shall be formally bid pursuant to General Municipal Law, Section 103.

Guideline 3

All estimated purchases of:

- A. Less than \$20,000 but greater than \$3,000 require a written request for a proposal (RFP) and written/email quote from 3 vendors.
- B. Less than \$3,000 but greater than \$1,500 require an oral/email request for the goods and an oral/email quote for 2 vendors.
- C. Less than \$1,500 but greater than \$750 require 1 or more oral/email quotes at the discretion of the purchaser.

All estimated public works contracts of:

- A. Less than \$20,000 but greater than \$10,000 require a written request for a proposal (RFP) and email/proposal from 3 contractors.
- B. Less than \$10,000 but greater than \$3,000 require a written RFP and email proposal from 2 contractors.
- C. Less than \$3,000 but greater than \$750 require 1 or more oral/email quotes at the discretion of the purchaser

Any written RFP shall describe goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/email/oral quotes have been requested and the written/email/quotes offered. All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4

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

Guideline 5

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

Guideline 6

Except when directed by the Town Board, no solicitation or written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services.
- B. Emergencies where time is a crucial factor.
- C. Sole source situations.
- D. Goods purchased from agencies for the blind or severely handicapped.
- E. Goods purchased from correctional facilities.
- F. Goods purchased from another government agency.
- G. Goods purchased at auction for less than \$1,000.
- H. Goods purchased for less than \$750.
- I. Public works contract for less than \$750.

Guideline 7

The unintentional failure to fully comply with provisions of section 104-b or the Town Board's policies shall not be grounds to void action taken or give rise to a cause of action against the Town of Covert or any officer or employee thereof.

Guideline 8

This policy along with attached copies of General Municipal Law section 104-b and documenting actions for non-bid particular procurements, as per New York State Office of the State Controller developing procedure Policies and Procedures information on implementing General Municipal Law Section 104-b manual, be distributed to all Purchasers.

Guideline 9

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable as part of the policy manual. This provision will help to insure the Town's Procurement Policy will stay current and appropriate in order to meet the changing needs of the town.

SECTION 15-1 F.O.I.L. POLICY

Town of Covert Freedom of Information Law Policy

REGULATIONS ESTABLISHING THE RULES AND PROCEDURES GOVERNING PUBLIC ACCESS TO RECORDS OF THE TOWN OF COVERT AND ITS AUTHORIZED AGENCIES

Pursuant to the provisions of Section 88 and Section 87 Subsection 6 of the Public Officers Law, the following regulations are hereby adopted establishing the rules and procedures governing the public access to records of the Town of Covert and its authorized agencies:

CONTENTS BY SECTION

1. Purpose
2. Definitions
3. Procedure for obtaining records
4. List of records
5. Fees
6. Prevention of invasions of privacy
7. Grant or denial of access to records
8. Appeals
9. Effective date

SECTION 1 - Purpose

The purpose of this policy is to set forth the methods and procedures governing the availability, location and nature of those records of the Town of Covert and its authorized departments subject to the provisions of Article 6 of the Public Officers Law, known as the Freedom of Information Law.

SECTION 2 - Definitions

For the purpose of this policy:

Record: any information kept, filed, held, produced, or reproduced by, with or for the Town of Covert or its authorized departments, in any physical form whatever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilm, recordings, rules, regulations or codes;

Payroll record: an itemized record setting forth the name, business address, title and salary of every officer and employee of the Town of Covert or its authorized departments;

Chief Fiscal Officer: Town Supervisor or his/her authorized representatives.

SECTION 3 - Procedure for Obtaining Records

The Town officers listed below, or their authorized representatives, are hereby designated as Records Access Officers for their respective departments and shall be the custodian of such records, excepting payroll records.

<u>DEPARTMENT</u>	<u>ADDRESS</u>	<u>RECORDS ACCESS OFFICER</u>
-	PO Box 265, 8469 S Main St Interlaken, NY 14847	-
Town Supervisor		Town Clerk
Chief Fiscal Officer		Town Clerk
Buildings & Grounds		Town Clerk
Code Enforcement		Town Clerk
Vital Statistics		Town Clerk
Administration		Town Clerk
Town Attorney		Town Clerk
Town Clerk		Town Clerk
Ambulance Services		Town Clerk
Interlaken Fire Department	PO Box 274, Interlaken, NY 14847	Fire Chief
Trumansburg Fire Department	74 W Main, Trumansburg, NY 14886	Fire Chief
Historian		Town Clerk
Dog Licensing		Town Clerk
Information Technology		Town Clerk
Parks		Town Clerk
Personnel / Civil Service		Town Clerk
Planning		Town Clerk
Town Court		Court Clerk
Highway Department		Town Clerk
Assessment Department		Town Clerk
Tax Collector		Town Clerk

Any person who wishes to inspect or obtain a copy of any such record may request access to the record by making application to the Records Access Officer. Such application shall be in writing and shall reasonably describe the record or records sought. The Records Access Officer is required to provide written notice to an employee in the event a request is made for employee disciplinary records. Whenever possible a person requesting records shall supply information that may help to describe the records sought. Application forms may be obtained from the Records Access Officer at the office of the Town Clerk, or by email.

Requests for access to records may be submitted to the Town Clerk's office in person Tuesday - Friday between the hours of 10:00 a.m. and 5:00 p.m., by email, or by mail, addressed to such office or to such other officer as the Records Access Officer may specify. Within five (5) working days of receipt of a request, the Records Access Officer shall cause a search to be made for the requested record and will take one of the following courses of action:

1. Make the record available (and, if so requested and upon payment of the appropriate fee, shall make and certify a copy of the record);
2. Deny the request as provided in Section 7 of this regulation providing the reason, sending a copy of such denial to the office of the Town Attorney;
3. State that the record is not in the custody of the agency if appropriate;
4. State that the record cannot be located after diligent search if that is the case; or
5. Furnish an acknowledgment of receipt of the request and provide an approximate date for reply. If documents which are responsive to the request cannot be provided within twenty (20) days, another reply must be sent stating:
 - The reason why the documents were not provided within the twenty-day period, and
 - A specific date as to when the request will be answered. Such time period must be reasonable in light of the size of the request, time to search, etc.

The Records Access Officer, in his/her discretion, may waive compliance with any formality prescribed by this subdivision, including the use of application forms.

The Chief Fiscal Officer shall be the Town Supervisor. Any persons wishing to inspect and/or obtain a copy of any payroll record may make application to the Chief Fiscal Officer in writing pursuant to the provisions of Section 3, subparagraph (B) of this regulation to the Chief Fiscal Officer, PO Box 265, Interlaken, New York 14847. Upon receipt of such an application, the Chief Fiscal Officer shall cause the Bookkeeper to the Supervisor to search for and produce for inspection the payroll record. If the applicant requests a copy of such payroll record, the Chief Fiscal Officer shall provide him with one after payment of the appropriate fee.

SECTION 4 - Subject Matter List

On behalf of the Town of Covert, the Records Access Officer of each department shall maintain and make available for inspection a current list, reasonably detailed by subject matter, of all records in the possession of the department, whether or not available under Article 6 of the Public Officers Law. Such list shall be in conformity with such regulations as may be promulgated by the Committee on Public Access to Records. Any person desiring a copy of such list may request a copy thereof personally, by email or by mail and he shall be supplied with one copy.

Each Records Access Officer shall maintain:

1. A record of the final vote of each member in every department proceeding in which the member votes;
2. A record setting forth the name, public office address, title and salary of every officer or employee of the department, and;
3. A reasonably detailed current list by subject matter, of all records in the possession of the department whether or not available under this article.

SECTION 5 - Fees

The fees for copies of records shall not exceed twenty-five cents (\$.25) per photocopy not in excess of 8.5 inches by 14 inches, or the actual cost of reproducing any other record except when a different fee is otherwise prescribed by law or pursuant to such general rules and regulations as may be promulgated by the committee on public access to records in conformity with the provisions of Article 6 of the Public Officers Law. Payment of fees must be made before copies are made or materials are provided.

SECTION 6 – Requests for Employee Disciplinary Records

Requests for access to employee disciplinary records shall be made known to the employee by written notification provided to the employee at his/her last known physical or email address by the departmental Records Access Officer. The written notification to the employee shall include the name of the person or entity making the request.

SECTION 7 - Prevention of Invasions of Privacy

In accordance with the provisions of subdivision 3 of section 88 of the Public Officers Law and in conformity with such guidelines as may be promulgated by the Committee on Public Access to Records regarding the prevention of unwarranted invasions of personal privacy, the Records Access Officer may delete from any record identifying details the disclosure of which would result in an unwarranted invasion of personal privacy prior to making such record available for inspection and/or copying. In the event that one or more deletion is so made from any document, the Records Access Officer shall provide written notice of that fact to the person given access to the record. If the record is such that the personal matters cannot be fully deleted without substantially affecting the record of the identifying details cannot be effectively deleted, the Records Access Officer shall deny access to such record as provided in section 7 of this regulation.

SECTION 8 - Grant or Denial of Access to Records

Each Records Access Officer shall, in accordance with these regulations, make available for public inspection and copying all records, except that such department may deny access to records or portions thereof that:

1. are specifically exempted from disclosure by state or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section 89 of Article 6 of the Public Officers Law of New York State;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are trade secrets or are maintained for the regulation of commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprises;
5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings

- b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures
6. if disclosed would endanger the life or safety of any person;
7. are inter-departmental or intra-departmental materials; which are not:
- a. statistical or factual tabulations or data; or
 - b. instructions to staff that affect the public, or
 - c. final agency policy or determinations.
8. are examination questions or answers which are requested prior to the final administration of such questions.

SECTION 9 - Appeal

Any person whose application to inspect and/or copy records has been denied pursuant to section 7 of this regulation may appeal such denial to the Town Board of the Town of Covert.

Such appeal shall be in writing and must set forth: the name and address of the applicant; the specific record(s) requested; the date of denial; and the reasons given for such denial. The Appeals Officer shall, upon receipt of a written appeal, immediately review the matter and affirm, modify or reverse the denial. If the Appeals Officer affirms or modifies the denial, he shall, within 7 days of receipt of the appeal: (1) communicate his reason for such affirmation or modification to the person making the appeal; and (2) inform such person of his right to appeal such affirmation or modification under Article 78 of the Civil Practice Law and Rules.

SECTION 10 - Effective Date

This policy shall become effective upon passage by the Town of Covert Town Board.

