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TOWN OF DUANE  
PERSONNEL POLICY HANDBOOK  
CODE OF ETHICS  
&  
CIVILITY POLICY

Supervisor

updated 2010

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2010

**DEFINITIONS:** The term "Town" shall mean the Town of Duane. The Term "Employee" shall mean any paid employee or elected official of the Town of Duane, whether serving in a full-time or part-time capacity.

## **CODE OF ETHICS**

**STANDARDS OF CONDUCT.** Every employee of the Town of Duane shall be subject to and abide by the following standards of conduct:

**CONFIDENTIAL INFORMATION.** An employee shall not disclose confidential information acquired by her/him in the course of her/his official duties or use such information to further his personal interest.

**INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES:** An employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.

**PRIVATE EMPLOYMENT:** An employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

**GIFTS:** An employee shall not directly or indirectly, solicit any gift which could reasonably be inferred the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the

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**GIFTS CONTINUED;**

performance of his official duties or was intended as a reward for an official action on his/her part.

**EQUIPMENT;**

No Town equipment or supplies shall be loaned to or used by any individual not employed by the Town of Duane. Town employees shall not use Town equipment or material in performance of work not directly related to Town responsibilities, nor shall employees render any such service during working hours.

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## DISTRIBUTION OF CODE OF ETHICS.

A copy of the code of ethics will be given to every current employee and Elected Official of the Town of Duane through distribution of the Personnel Policy Handbook. Each employee appointed, hired or elected shall be furnished a copy of this code of ethics before entering upon the duties of his/her office or employment.

**PENALTIES.** In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be suspended or removed from employment or office.

## CIVIL SERVICE JURISDICTIONAL CLASSES IF APPLICABLE

The State Civil Service Commission retains final decision over the jurisdictional classification of positions in Town service.

1. **Competitive Class:** These positions are filled from Civil Service Eligible List which are established after applicants compete in examinations. Appointments must be made from one of the top three on the list. If no eligible lists exists for a title, then a provisional appointment can be made until a list is established.
2. **Non-Competitive Class:** This class includes positions for which it is not practicable to use examinations. All appointees must meet the minimum requirements.
3. **Labor Class:** These positions are not filled through examinations and are unskilled laborers.
4. **Exempt Class:** Positions in this class do not require meeting minimum qualifications. This class covers deputies and appointed officials.

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## APPOINTMENTS

All original appointments to Competitive, Non-competitive, Exempt or Labor Class positions are subject to a probationary term [see section on probation]. A permanent appointment is considered permanent as of the first day the employee reports to work, but must satisfactorily complete the probationary period.

## PROBATION

Unless otherwise provided, all permanent appointments from an Eligible list and all original appointments to positions in the Non-Competitive, Exempt, or Labor Class are subject to satisfactory completion of probationary period of not less than eight nor more than twenty six weeks.

## PRE-EMPLOYMENT MEDICAL EXAMINATION & DRUG AND ALCOHOL TEST

As part of the qualifications for certain positions in Town service, the employee must receive a pre-employment physical examination and drug and alcohol test at no expense to the employee prior to employment. The physician may be designated by the Town. Employees may be required to have physical examinations every 5 years.

EMERGENCY employees can be hired without any examination. If the employee works longer than thirty [30] days he/she must undergo an examination.

Employees found as not physically able to perform the duties of a position shall not be hired or employed.

## **PAY DAY**

The Town will pay full time employees and Highway Superintendent by check on a bi-weekly basis. If that day is a holiday, the pay day will be the preceding work day. Elected and appointed officials will be paid on a quarterly basis.

## **PERSONNEL FILES**

An individual personnel file may be maintained on Town Employees. An employee shall have the opportunity to examine his/her own personnel file.

## **EMPLOYEE EVALUATION**

All new employees may be evaluated after three [3] months of employment and again prior to the end of the probationary term.

## **HOURS OF WORK**

For all Highway Department personnel the regularly scheduled hours of work shall be from 6:00 A.M. to 3:00 P.M. Monday - Friday for Winter working hours. With one hour for lunch, 6:00 A.M to 4:30 P.M. for Summer hours. With one half hour for lunch, subject to modification by subsequent agreement. All other employee's work hours will be dependent upon the specific position.

The basic work week for all full time employees will be 40 hours.

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## OVERTIME

Employees who have a basic work week of 40 hours and are paid on an hourly basis shall receive overtime pay after 40 hours in a work week.

Paid time off such as vacation, holiday, personal leave, shall be considered as time worked for the purpose of qualifying for overtime. Employees may elect to receive compensatory time off for overtime worked. Compensatory time off must be agreed to by the Highway Superintendent. Compensatory time off is rate of time and one-half [1 1/2]. All Compensatory time must be used within a 6 month period of time and can not be rolled over into the following year as saved time.

Salaried employees who work overtime when necessary for the efficient conduct of Town business shall receive compensatory time off at the rate of a like time. Compensatory time off will be relinquished if the employee leaves Town employment.

## TRAVEL

Whenever an employee is required to use their personally owned automobile in the conduct of the Town's business, he/she shall be reimbursed for such use at a rate similar to the amount designated for Franklin County Employees.

## WORKMEN'S COMPENSATION

All employees are covered by Workman's Compensaton. A written accident report must be completed and submitted to the Highway Superintendent or Town Supervisor by the injured employee as soon as possible an no later then 24hrs. after occurrence. The form will be provided by the Town [Incident Report Form]

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The Town is required to report any and all accidents within 10 days after occurrence to the Chairman of the Workman's Compensation Board.

### EMPLOYEE BENEFITS

In addition to actual salary which the full-time employee earns there are substantial benefits. These important benefits include the following:

- Health Insurance
- Membership in the NYS Retirement System
- NYS Disability
- Employment Insurance
- Social Security
- Paid Holidays, Vacation, personal & sick leave

### PART-TIME & TEMPORARY FULL-TIME EMPLOYEES

Temporary full-time employees will receive the same benefits as regular full-time employees except vacation time and health insurance. Part-time [work more than 45% of the time] employees shall receive pro-rated sick time and pro-rated personal leave.

### HEALTH INSURANCE

For employees hired prior to Decemer 1, 1993., the Town shall pay on a non-contributory basis, health insurance for full-time employees and their dependents. Employees hired after December 1, 1993 shall pay a portion of their insurance premium, such amount to be deducted from the pay Contact the Town Supervisor for more information.

### RETIREMENT

All permanent full time employees are required to be members of the NYS Employees's Retirement System. Members contribute a percentage as mandated by NYS Employee's Retirement System[Secion 75, I of the NYSRS] As a member, the employee has benefits in the event of death or disability.

All part-time employees and temporary full-time have the option to be members of the New York State Employee's Retirement System.[NYSRS]

### NYS DISABILITY INSURANCE

The Town will provide the NYS Disability Insurance Plan for all qualified employees. If an employee becomes disabled he/she must contact the Town Supervisor for the necessary forms.

### HOLIDAYS

Employees shall be entitled to the following paid holidays:

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|---------------------|------------------|
| New Years Day       | Veterans Day     |
| President's Day     | Columbus Day     |
| Memorial Day        | Thanksgiving Day |
| Independence Day    | Christmas Day    |
| Labor Day           | M.L. King Day    |
| Employee's Birthday |                  |

In addition to the above listing, either the day before Christmas or the day before New Year's, at the employee's option, shall be observed. The Highway Superintendent shall honor such request to the fullest extent possible, consistent with the effective conduct of Town business.

### VACATION

Full-time employees whose basic work week is 40 hrs a week shall earn vacation credits at the rate of ten[10] working days after the first year of service; increasing one [1] day per year after four years to a maximum of twenty[20] working days after thirteen [13] years.

Vacation time cannot be carried over to the next year. The Town may limit the number of employees who may be on vacation at the same time.

All vacation leave shall be reported to the Highway Superintendent who will record vacation leave used and vacation leave accrued.

Employees who leave Town employment shall be paid accrued vacation time in a lump sum on the date of termination. However, such employees may stay on the payroll without accruing leave benefits or health insurance benefits.

Vacation with pay shall not be paid any employee serving on a temporary or part-time basis.

### PERSONAL LEAVE

All full-time employees shall be granted three [3] personal days per year. Unused personal leave days shall be converted to sick leave days at the end of each Authority fiscal year.

### SICK LEAVE

Sick Leave shall be granted to any employee for absence from duty because of illness, bodily injury and attendance upon dependent children whose illness requires the care of such employees.

Sick Leave with full pay shall be accumulated at the rate of one [1] working day for each completed month of full-time service up to a maximum of forty five [45] days.

When an employee finds it necessary to absent himself from work for any reason, he shall notify his immediate supervisor at least two [2] hrs before the time he is expected to report for work. Such leave shall not be granted unless a report is made.

Employees who leave Town employment shall relinquish all accrued Sick Leave.

## UNPAID LEAVE OF ABSENCE

A leave of absence, without pay, for a Town Board approved amount of time may be granted to a permanent or provisional full-time employee for an extended illness. Upon the expiration of such leave of absence, the employee shall be reinstated to the position which he/she occupied at the time the leave was granted or equivalent position. Application for such leave of absence must be filed with the Town Supervisor.

Employees on an unpaid leave of absence shall pay the insurance premium if they wish to continue to receive health insurance benefits.

## LEAVE FOR JURY DUTY

Leave of absence is granted to employees who are called for jury duty. The Town will provide full pay, but the employee must return to work after being excused from Jury Duty. Employees who receive jury pay shall turn over remuneration to the Town Supervisor.

## BEREAVEMENT LEAVE

An employee may use up to three [3] days accrued leave time for bereavement leave to mourn the death of members of their immediate family. Immediate family is defined as the employees mother, father, stepmother, stepfather, spouse, sibling child, stepchild or grandchild. If the employee has no accrued sick leave, personal leave or vacation time available, he/she shall be advance up to three [3] days bereavement leave which shall be paid back out of sick leave.

## RESIGNATION

All resignations must be in writing, unless otherwise specified. A resignation cannot be withdrawn, cancelled or amended after it is delivered to the Town Supervisor and approved by the Town Board.

## **ALCOHOLIC BEVERAGES**

Employees will not consume alcoholic beverages during working hours.

## **PERSONNEL CHANGES**

Changes in health insurance must be submitted to the Town Supervisor within 30 days of occurrence. Changes include adding new dependents, change in type of coverage [single, double, or family plan], dependent children [age 19 or over]. Failure to notify the insurance carrier may mean a lapse in coverage.

Eligible employees who did not sign up for health insurance at the time of employment may do so at reopening dates only.

## **CHANGE OF ADDRESS**

Employees will report change of address/surname to the Town Supervisor within 10 days of such change.

## **SEXUAL HARASSMENT**

All incidents where an employee believes the he/she is being sexually harassed should be reported to the Town Supervisor or the Town Board.

**THIS POLICY IS SUBJECT TO MODIFICATION OR AMENDMENTS BY MAJORITY VOTE BY THE DUANE TOWN BOARD.**

**ATTACHED IS ALSO THE TOWN OF DUANE'S CIVILITY POLICY.**

TOWN OF DUANE

CIVILITY POLICY

The purpose of this policy is for participants in public meetings always to strive to communicate in a respectful and effective way. The best way to determine what a community wants is to listen to what its people have to say. This is a fundamental principle of democracy. Sometime issues strike at the fundamental beliefs of a group or individual. *In these situations, it becomes more important than ever to practice civility.* Hence this policy is intended to improve public discourse by reminding everyone of the need for civility. Members of the Duane Town Board, town employees, and other participants in public meetings should earn the respect of others by conducting themselves professionally. Constructive debate is needed and must occur, especially when there are honest differences of opinion. but debates need to focus on solutions and the best interests of the people.

Note: Any violation of this policy may be addressed in an executive session pursuant to NYS Open Meeting Law, Public Officers Law, Article 7 section 105.

adopted 10/28/09