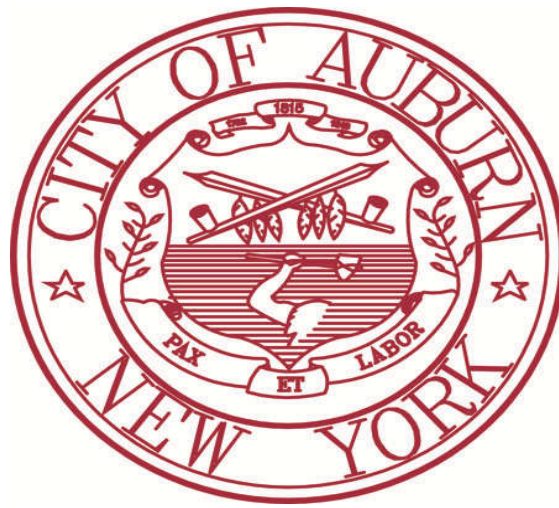


CITY OF AUBURN



EMPLOYEE HANDBOOK



Revised: July 1, 2015

July 1, 2015

TO: Department Heads, Supervisors and City Employees

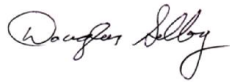
RE: City Employee Handbook

This Employee Handbook has been published and distributed to you as a reference guide in order for you to know your rights and responsibilities as employees of the City of Auburn, New York. It does not supersede collective bargaining agreements, but does govern in all areas where such agreements are moot.

It is incumbent upon all Department Heads and Supervisors to be familiar with all sections of the Employee Handbook in order for them to inform employees of what is expected of them and to help them understand the role they play in local government. Public service is not a right, but a privilege to be taken seriously and exercised with professionalism.

On behalf of the Mayor and City Council, I wish to thank you for your dedicated service to this community!

Sincerely,

A handwritten signature in cursive script, reading "Douglas A. Selby".

Douglas A. Selby
City Manager

/sl

City of Auburn
Employee Handbook
Table of Contents

100	INTRODUCTION	7
101	Welcome Message	7
101A	City Values	8
102	Definitions	9
103	The Purpose of this Employee Handbook	10
200	EMPLOYEE CLASSIFICATIONS	11
201	Full-Time Employees	11
202	Part-Time Employees	11
203	Temporary Employees	11
204	Seasonal Employees	11
205	FLSA Non-Covered Employees	11
206	FLSA Exempt Employees	11
207	FLSA Non-Exempt Employees	11
300	THE CIVIL SERVICE SYSTEM	12
301	The Unclassified and Classified Services	12
302	Civil Service Appointments	13
303	Examinations and Promotions	13
304	Veterans Credits	13
400	EMPLOYMENT MATTERS	14
401	Oath of Office	14
401A	Standards of Conduct Policy	14

402	Procedure for Filling Vacancies	15
403	Probationary Period	16
404	Performance Appraisal	17
405	Corrective Action	18
406	Civil Service Law Section 75	21
407	Code of Ethics	23
407A	Federal Grant Funded Program	29
408	Personnel File	30
409	Separation from Employment	31
500	OPERATIONAL POLICIES	32
500A	Physical Examination Policy	32
501	Departmental Hours	32
502	Meal and Rest Breaks	33
503	Emergency Situations	34
504	Times Records	35
505	Bonding	36
506	Expense Reimbursement	36
507	Vehicle Usage	37
508	Driver's License	39
509	Supplies, Tools and Equipment, and Fuel Usage	39
510	Telephone/Cell Phone Usage	40
511	Computer Systems and Internet/E-Mail Service	41
512	Personal Appearance	47
513	Solicitations/Distributions	47

514	Visitors_____	47
515	Purchasing_____	48
516	Maintenance of Work Area_____	48
517	Personal Property_____	49
518	City Property_____	49
519	Unauthorized Work_____	49
520	Outside Employment_____	50
600	ABSENCE POLICIES_____	51
601	Attendance_____	51
601A	Communicable Disease Policy_____	52
601B	Contagious Illness Policy_____	53
602	Jury Duty Leave _____	54
603	Bereavement Leave_____	55
604	Military Leave _____	56
605	Family and Medical Leave Policy_____	57
605A	Nursing Mothers Policy_____	62
700	COMPENSATION_____	63
701	Wage and Salary_____	63
702	Overtime/Compensatory Time _____	63
703	Pay Period and Check Distribution_____	64
704	Payroll Deductions _____	64
705	Deferred Compensation Plan _____	65
800	EMPLOYEE BENEFITS_____	66
801	Holidays_____	66
802	Vacations_____	67

803	Sick Leave _____	69
804	Personal Leave _____	71
805	Disclosure of Insurance Benefits _____	72
806	Medial Insurance _____	73
807	Medical Insurance for Retirees _____	74
808	Dental Plan _____	75
809	Continuation of Health Insurance Benefits (COBRA) _____	76
810	Section 125 Plan _____	78
811	Worker’s Compensation Benefits _____	79
812	Unemployment Benefits _____	79
813	Social Security _____	79
814	The New York State Employee’s Retirement System _____	80
815	Police & Fire Retirement System _____	80
816	Education Assistance _____	81
817	Employee Assistance Program _____	81
900	COMPLIANCE POLICIES _____	82
901	The American with Disabilities Act _____	82
902	Equal Employment Opportunity _____	83
903	Fair Treatment _____	83
904	Sexual Harassment _____	84
905	Drug-Free Workplace Policy and Awareness Program _____	87
906	Controlled Substance and Alcohol Testing _____	89
907	Smoking _____	89
1000	SAFETY _____	90

1001	Workplace Safety_____	90
1002	Hazard Communication Program_____	92
1100	COMMUNICATION PROCEDURES_____	94
1101	Bulletin Board_____	94
1102	Adverse Correspondence _____	94
1103	Suggestions _____	94
1104	Public Relations_____	94
1105	Media Communications _____	94
1200	DISPUTE RESOLUTIONS_____	95
1201	Dispute Resolution Procedure_____	95
1300	EMPLOYEE ACKNOWLEDGEMENT FORM_____	97

100 INTRODUCTION

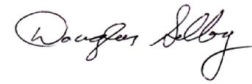
101 Welcome Message

We would like to welcome you and congratulate you on your appointment to a position with the City of Auburn. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

This Employee Handbook has been developed by the City of Auburn to assist you in getting acquainted with your employment with the City. The Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the City in delivering services to the public effectively and efficiently. It is important that each employee understand the personnel policies and procedures outlined in this Employee Handbook as they pertain to employee benefits and work rules.

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

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



City Manager

101A City Values

The city of Auburn has adopted the following vision, mission and values. These statements provide a framework for where we are headed in the future (vision), what we try to achieve on a daily basis (mission) and how we conduct ourselves as city employees (values). By keeping these principles in mind as you do your jobs you will help make the city a better place to live, work and play for our citizens and visitors.

Vision Statement:

Auburn's historic significance guides a City that champions a culture of creativity and civic engagement.

Mission Statement:

Auburn is a vibrant City with a well-maintained infrastructure and a professional staff that provides excellent quality of life services in a responsive and efficient manner.

Values:

- Integrity – Do the right thing (even if no one is watching)
- Honesty – Tell the truth
- Teamwork – Work together
- Quality work – Do your best

102 Definitions

City of Auburn – For purposes of this Employee Handbook, the City of Auburn may be referred to as the "City".

City Council – For purposes of this Employee Handbook, "City Council" will mean the City Council of the City of Auburn.

Elected Official – For the purposes of this Employee Handbook, "Elected Official" will mean and refer to any of the following elected officials of the City of Auburn:

- Mayor
- City Council Members

Department Head – For purposes of this Employee Handbook, "Department Head" will mean the person in charge of any department in the City of Auburn. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. When referenced in this Employee Handbook, Department Head shall also mean the Department Head's designated authority.

City Manager – For purposes of this Employee Handbook, the City Manager shall mean the City Manager of the City of Auburn. When referenced in this Employee Handbook, City Manager shall also mean the City Manager's designated authority.

Supervisor – For purposes of this Employee Handbook, "supervisor" will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

Employee – For the purposes of this Employee Handbook, "employee" will mean a person employed by the City, including, but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

Civil Service Law – For purposes of this Employee Handbook, "Civil Service Law" shall mean the New York State Civil Service Law and shall include the Auburn Municipal Civil Service Commission Rules and Regulations.

103 ***The Purpose of this Employee Handbook***

Statement of Purpose – The purpose of this Employee Handbook is to communicate the City's personnel policies and practices to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee's, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, collective bargaining agreement, or any other applicable law, rule, or regulation.

Unless otherwise required by law, the provisions of this Employee Handbook are for City use only and do not apply in any criminal or civil proceeding. The Employee Handbook provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Handbook provision may form the basis for administrative action by the City and any subsequent judicial proceeding.

Changes or Modifications – The City Council reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. In addition, this Employee Handbook is subject to but not limited to, alteration by resolutions of the City Council, changes in City and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations.

Statutes, Laws and Ordinances – In the event a federal or state statute or any other applicable law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

Collective Bargaining Agreements – In the event an expressed and explicit provision set forth in a collective bargaining agreement between the City of Auburn and an employee organization as defined by the Public Employees' Fair Employment Act (Taylor Law) should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Management Policy – (non-represented employees) In the event an expressed and explicit provision set forth in the adopted Management Policy should conflict with any provision in this Employee Handbook. The expressed and explicit provision of the Management Policy will control.

Questions – Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head.

200 EMPLOYEE CLASSIFICATIONS

For purposes of this Employee Handbook, the following terms shall be defined as follows. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of civil service rules or a collective bargaining agreement.

201 *Full-Time Employees*

For purposes of this Employee Handbook, the term "full-time employee" will mean an employee who is regularly scheduled to work a minimum of thirty-five hours per week.

202 *Part-Time Employees*

For purposes of this Employee Handbook, the term "part-time employee" will mean an employee who is scheduled on a regular and on-going basis to work an average of twenty hours or less per week. This is not to say that on occasion "part-time" employees may work more than 20 hours per week.

203 *Temporary Employees*

For purposes of this Employee Handbook, the term "temporary employee" will mean an employee who is not regularly scheduled but rather is employed on an interim or sporadic basis or who is employed to work on a special or emergency basis for a specified period, consistent with the Civil Service Law as applicable.

204 *Seasonal Employees*

For purposes of this Employee Handbook, the term "seasonal employee" will mean an employee who is employed to work for a given season.

205 *FLSA Non-Covered Employees*

For purposes of this Employee Handbook, "FLSA non-covered employee" will mean an employee not covered under the Fair Labor Standards Act (FLSA).

205 *FLSA Exempt Employees*

For purposes of this Employee Handbook, "FLSA exempt employee" will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act.

207 *FLSA Non-Exempt Employees*

For purposes of this Employee Handbook, the term "FLSA non-exempt employee" will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

300 THE CIVIL SERVICE SYSTEM

The following is intended as a guide. The Civil Service Law and the Auburn Municipal Civil Service Commission Rules and Regulations shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

301 *The Unclassified and Classified Services*

Unclassified Service - In accordance with Civil Service Law and for purposes of this Employee Handbook, the term "Unclassified Service" will include all individuals who are Elected Officials and/or members of boards or commissions.

Classified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term "Classified Service" as defined by the Civil Service Law and the Auburn Municipal Civil Service Commission Rules and Regulations will include all City employees who are subject to those rules and regulations. The Classified Service is divided into four jurisdictional classes:

- **Exempt** - those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** - those positions for which it is practicable to determine merit and fitness by competitive examination;

Non-Competitive – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,

Labor - unskilled labor positions, except those positions which can be examined for competitively.

302 Civil Service Appointments

Competitive Class – In accordance with Civil Service Law, the following types of appointments may be made to positions in the Competitive Class:

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

303 Examinations and Promotions

Examinations - In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the City intends to maintain, the City will fill the vacancy by selection from the eligible list certified by the City of Auburn Civil Service Commission of persons who have taken the appropriate Civil Service examination. The City of Auburn Civil Service Commission will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the City will select one of the top three available candidates on the list to fill the position.

Promotions - The City will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above "one of three" will apply. An employee who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher level positions for which the employee may be qualified.

304 Veterans Credits

Summary - An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the City of Auburn Civil Service Commission for details concerning these credits.

400 EMPLOYMENT MATTERS

401 Oath of Office

Requirement - Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance with Public Officers Law Section 10. The Oath must be administered prior to commencing the duties of the office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Filing of Oath - The Oath of Office is filed in the City Clerk's Office within thirty (30) calendar days of commencement of the term of office.

401A Standards of Conduct Policy

The work rules and standards of conduct for the City of Auburn are important, and the City regards them seriously. All employees are urged to become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their jobs and conducting business on behalf of City of Auburn. Please note that any employee who deviates from these rules and standards will be subject to disciplinary action, up to and including termination of employment.

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of rule infractions or misconduct that may result in disciplinary action.

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, manufacture, distribution, sale, transfer, dispensation or use of alcohol or illegal drugs
- Fighting or threatening violence in the workplace
- Immoral actions or intimidating others
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of City property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in the workplace
- Sexual or other unlawful or unwelcome harassment or touching
- Excessive absenteeism or any absence without notice

- Unauthorized use of telephones or other City equipment
- Using City equipment for purposes other than business (e.g., playing games on Computers or personal internet usage)
- Unauthorized disclosure of confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

These rules apply to any and all interactions with customer, fellow employees or anyone else associated with the workplace.

402 Procedure for Filling Vacancies

Statement of Compliance - The City of Auburn complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, the Public Officers Law, Civil Service Law, Title VII, Human Rights Law, and the Americans with Disabilities Act, and is an Equal Opportunity employer.

Notification of Vacancies - In the event there is a vacancy in a new or existing position which the City intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The City reserves the right to fill a position either internally or with an external candidate.

Employment Applications - The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's dismissal of the individual from further consideration for employment or disqualification/dismissal if the conduct is discovered after employment commences.

Employment Reference and Background Checks - To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of final applicants. Applicants will be required to complete a hold harmless statement in order for the City to conduct appropriate background checks.

Preferred List: In the event that a preferred list exists for employees in the competitive class who have been subject to lay off on a reduction in hours these individuals shall be offered employment in the same or similar position subject to meeting minimum qualifications and civil service requirements. Preferred lists are in existence for four years form the date of layoff.

403 Probationary Period

Except as otherwise provided in a collective bargaining agreement, the following Civil Service probationary provisions shall apply.

Purpose of Probationary Period - The probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

Length of Probationary Period (Competitive Class) – Except as otherwise provided in the Auburn Municipal Civil Service Commission Rules and Regulations, an employee appointed from an open-competitive list must serve a probationary period of not less than eight weeks nor more than fifty-two weeks. The length of the probationary period may be extended in accordance with the Auburn Municipal Civil Service Commission Rules and Regulations.

Length of Probationary Period (Other Classes) – Except as otherwise provided in the Auburn Municipal Civil Service Commission Rules and Regulations, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight nor more than fifty-two weeks. The length of the probationary period may be extended in accordance with the Auburn Municipal Civil Service Commission Rules and Regulations.

Successful Completion of Probationary Period – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. Except as otherwise provided by law or a collective bargaining agreement, completion of the probationary period does not necessarily confer rights or privileges in the position.

Failure to Successfully Complete Probationary Period – In the event the employee's performance or conduct is not satisfactory, the City may dismiss the employee from employment at any time after the completion of the minimum probationary period and before completion of the maximum probationary period. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

404 Performance Appraisal

Except as otherwise provided by a collective bargaining agreement, the following shall be the procedure for conducting employee performance appraisals.

Statement of Purpose – The purpose of a performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration criteria that properly reflect the employee's performance including, but not limited to, the employee's work quality, job knowledge, initiative, attendance, team work, conduct, and communication skills. Except as otherwise governed by a collective bargaining agreement, the employee's performance appraisal may be considered in determining a pay increase and/or as a factor in promotion or disciplinary action. With the exception of probationary employees, it is understood that a performance appraisal, on its face, cannot be used as a vehicle, or substituted for the progressive discipline procedure against an employee.

Frequency – A new employee will be formally evaluated in accordance with their applicable collective bargaining agreement or the senior management policy and upon completion of the probationary period. Thereafter, an employee will be formally evaluated at least once each year on or about the employee's anniversary date of employment informal evaluations will occur on an as needed basis throughout the performance cycle.

Appraisal Meeting – The evaluator will meet with the employee to review the employee's performance appraisal report.

Deficiencies – Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement.

Employee Comments - An employee's written comments, if any, will be included with the performance appraisal report.

405 **Corrective Action**

Policy Statement – It is the policy of the City of Auburn that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the City, and the delivery of services to residents of the City. Any conduct that interferes with operations or that discredits the City will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the City. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

Communication – Open and candid communications with all employees is an important aspect of the City of Auburn's on-going employee relations. When a rule, policy, or procedure is violated, the employee's Department Head, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered.

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a timeframe for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum will be subject to disciplinary action.

Discipline - The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. In normal circumstances, the City endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The City retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit.

Investigations - Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The City reserves the right to suspend an employee while an investigation is conducted, whereby it is determined that an employee may cause harm to him/herself or others, or whose presence may be disruptive to the employer's operations.

During the investigation process, a union employee who is covered under either Civil Service Law Section 75, or a discharge and discipline provision under their respective collective bargaining agreement, and who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be

given advanced notice, in writing, of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Procedures - Employees covered by Civil Service Law Section 75 shall be disciplined in accordance with the procedures contained therein. (Refer to Section 406 of this Employee Handbook). An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure.

Prohibited Conduct - Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative and is not intended to limit the City's right to impose discipline in other appropriate cases.

- Falsification of any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the City;
- Intimidation, coercion, threatening, or assault of, fighting or interfering with other employees, Elected Officials, residents of the City; or any other person;
- Engagement in any form of discrimination or harassment, including sexual harassment;
- Use of inappropriate or derogatory language in the workplace including over a city communication device.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- Refusal to obey instructions of a Department Head or supervisor or any other form of insubordination;
- Careless or negligent use or operation of equipment, including vehicles and machinery;
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of City property or removal of City property without permission
- Illegal gambling on City property;
- Sleeping on the job, unless authorized by a Department Head or supervisor;
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- Failure to adhere to the personal appearance/dress code policy;
- Repeated violations of City policies, procedures or prohibited conduct;
- Leaving work area without permission, as defined by the Department Head;
- Excessive tardiness and/or absences except those absences covered by state and/or

federal statutes;

- Unauthorized absences or repeated failure to give proper notice;
- Possession or use of or being under the influence of controlled substances or alcohol while on City property or in City vehicles;
- Possession of illegal or unlicensed firearms or explosives on City property or in City vehicles; or
- Acts of sabotage.

406 **Civil Service Law Section 75**

Summary – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the City.

Union Employees - An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure.

Covered Employees - In accordance with Civil Service Law, the following employees are generally covered under Section 75:

- A newly hired employee who has not completed the minimum probationary period as determined by civil service rules.
- An employee holding a position by permanent appointment in the Competitive Class of the classified Civil Service;
- An employee holding a position in the Non-Competitive Class who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, except when such an employee holds a position designated as confidential or policy influencing. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

Disciplinary Procedure - Except as otherwise provided by a collective bargaining agreement, the following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75:

Notice of Discipline - An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.

Employee Answer - The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.

Disciplinary Hearing - Unless there is a stipulation of settlement between the City and the employee, the Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officers recommendations, for review and decision.

Right to Representation - The employee may have representation by counsel or by a representative of a recognized or certified employee organization at the hearing and may summon witnesses on the employee's behalf.

Suspension Without Pay Pending Determination of Charges - Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty (30) calendar days.

Penalties - In the event the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- Written reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from City employment.

Finding of Not-Guilty - In the event the employee is found to be not guilty, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

Limitations - Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

Filing Requirements - In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the City of Auburn Civil Service Commission.

407 Code of Ethics

[HISTORY: Adopted by the City Council of the City of Auburn 3-28-1991 by L.L. No. 2-1991 as Ch. 4, Arts. I, II and III of the 1991 Code. Amendments noted where applicable.]

Article I. Code of Ethics

§ 33-1. Purpose. Pursuant to the provisions of § 806 of the General Municipal Law, the Council of the City of Auburn recognizes 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 in our unit of local government. It is the purpose of this article to promulgate these rules of ethical conduct for the officers and employees of the City of Auburn. These rules shall serve as a guide for official conduct of the officers and employees of the City of Auburn. The rules of ethical conduct of this article as adopted shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 33-2. Definitions. For the purposes of this article, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

CHIEF FISCAL OFFICER

The Comptroller of the City of Auburn, New York.

CONTRACT

Any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law.

INTEREST

A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPALITY

The City of Auburn, New York, and any of its subordinate units or agencies.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the City of Auburn, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief or assistant chief.

TREASURER

The City Treasurer of the City of Auburn, New York.

§ 33-3. Conflicts of interest prohibited. Except as provided in § 33-4 of this article, no

municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder, audit bills or claims under the contract, or appoint an officer or employee who has any of the powers or duties set forth above, and no chief fiscal officer, Treasurer, or his deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

§ 33-4. Exceptions. The provisions of § 33-3 of this article shall not apply to:

A. The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of funds of a municipality, except when the chief fiscal officer, Treasurer, or his deputy or employee has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the municipality would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated.

B. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.

C. The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

D. The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefor are approved by order of the Supreme Court upon petition of the governing board.

E. The acquisition of real property or an interest therein through condemnation proceedings according to law.

F. A contract with a membership corporation or other voluntary nonprofit corporation or association.

G. The sale of bonds and notes pursuant to § 60.10 of the Local Finance Law.

H. A contract in which a municipal officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this subsection shall in no event authorize a renewal of any such contract.

I. A contract with a corporation in which a municipal officer or employee has an interest by reason of stock holdings when less than 5% of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee.

J. A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the Public Service Commission.

K. A contract for payment of a reasonable rental of a room or rooms owned or leased by an

officer or employee when the same are used in the performance of his official duties and are so designated as an office or chamber.

L. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part-time service in the official duties of the office.

M. A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$100.

N. A contract with a member of a private industry council established in accordance with the Federal Job Training Partnership Act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the Council and the member does not vote on the contract.

§ 33-5. Disclosure of interest.

A. Any municipal officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the municipality of which he is an officer or employee shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

B. Notwithstanding the provisions of Subsection A of this section, disclosure shall not be required in the case of an interest in a contract described in Subsections I through N of § 33-4 hereof.

§ 33-6. Contracts void.

Any contract willfully entered into by or with a municipality in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

§ 33-7. Certain acts prohibited.

A. No municipal officer or employee shall:

(1) Directly or indirectly solicit any gift, or accept or receive any gift, having a value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part;

(2) Disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;

(3) Receive or enter into any agreement, express or implied, for compensation for

services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee; or

(4) Receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

B. Elected officials.

(1) No elected official of the City of Auburn shall use his or her elective office for the purpose of soliciting, securing, obtaining, inducing or otherwise realizing any private or pecuniary benefit to himself or herself, as it pertains to a contract or interest as defined under § 800, Subdivisions 2 and 3 of Article 18 of the state conflicts of interest statute. Editor's Note: See Article 18 of the General Municipal Law. This restriction shall pertain to the elected official, any business entity owned to any extent or controlled by said elected official, or to members of the immediate family of the elected official, as defined under the state statute.

(2) No elected official shall hold any other municipal office or position for compensation during the elected official's term of office.
[Amended 12-5-1991]

(3) No elected official shall hold any City municipal office or position for compensation within two years of leaving elective office, with the exception of a civil service competitive position.
[Added 12-5-1991]

(4) No elected official shall, within a one-year period of leaving office, appear and practice before the municipality or receive compensation for any services rendered by such elected official on behalf of any person, firm, or association in relation to any case, proceeding, or application or other matters before the municipality.
[Added 12-5-1991]

(5) No elected official shall, within one year of leaving office, enter into any contract or agreement to provide goods and/or services to the municipality except pursuant to a contract awarded in accordance with the competitive bidding requirements of the General Municipal Law, Article 5-A. Editor's Note: Original § 4.7(2)(f), which immediately followed this subsection and dealt with political party chairpersons, as added 12-5-1991 and amended 2-16-1995 by Ord. No. 6-1995, was deleted 10-26-2000 by Ord. No. 16-2000.
[Added 12-5-1991]

C. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fined, suspended or removed from office or employment in the manner provided by law.

§ 33-8. Solemnization of marriages.

Notwithstanding any statute, law or rule to the contrary, no public officer listed in § 11 of the Domestic Relations Law shall be prohibited from accepting any gift or benefit having a value of \$50 or less, whether in the form of money, property, services or entertainment, for the

solemnization of a marriage by such public officer at a time and place other than the public officer's normal public place of business, during normal hours of business.

§ 33-9. Posting of article.

The City Manager shall cause a copy of this article to be kept posted in each public building under the jurisdiction of the City of Auburn in a place conspicuous to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with this article, nor with the enforcement of the provisions thereof.

Article II. Board of Ethics

§ 33-10. Establishment.

Pursuant to the provisions of § 808 of Article 18 of the General Municipal Law of the State of New York, a Board of Ethics is hereby established in and for the City.

§ 33-11. Appointment; terms of office.

A. The Board of Ethics shall consist of three members, of which one member shall be an officer or employee of the City of Auburn and two members shall be persons who are residents of the City of Auburn, not an officer, employee or in any other capacity a member of City government, who shall also not be members of the same political party. The members of such Board shall be appointed by the Mayor. The terms of the initial appointees shall be for one, two or three years, and thereafter for three years each. Appointment upon the retirement of the initial term shall be for three years each.

B. Appointment to fill vacancies. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Such appointment to fill such vacancies shall be made in the same manner as the original appointment.

§ 33-12. General grant of power.

The Board of Ethics shall perform all of the duties and shall have all of the powers prescribed by the laws of the State of New York, as dictated under Article 18 of the General Municipal Law, and such other and further powers as may be conferred upon the Board by this article or by such amendments to this article as may from time to time be enacted by the City Council.

§ 33-13. Rules of procedure; quorum.

A. The Board of Ethics shall adopt rules in accordance with the provisions of this article and any other provisions of this Municipal Code not inconsistent herewith or with the laws of the State of New York.

B. Determinations of the Board of Ethics shall be by majority vote, and all three members shall constitute a quorum.

§ 33-14. Powers and duties; compensation.

A. The Board of Ethics shall be responsible for the interpretation of the Code of Ethics of the City of Auburn, New York, and shall adopt and make available to the public rules for the exercise of its function. The duties and powers of the Board shall be to investigate such matters dealing with the Code of Ethics as may be presented to the Board by the City Council, by any officers or employees of the City of Auburn or by members of the public.

B. The Board shall have the authority, upon request to the City Council and upon approval of

the City Council, to obtain such funds or to retain such personnel, including outside legal counsel, as the Board may determine necessary for the proper and efficient exercise of its functions.

C. The Board shall report periodically its determinations to the City Manager and to the City Council. The determinations of the Board of Ethics shall be made public when consistent with the requirements of the Freedom of Information Law of the State of New York. Editor's Note: See Article 6 of the Public Officers Law and in all other cases except where the disclosure of information concerning employees or officers of the City is precluded or exempted by law.

D. The Board shall have the authority to conduct confidential investigations in pursuance of its function and shall disclose in writing the need and purposes for such confidentiality for pending investigations.

E. The Board shall perform such other duties as may be provided or necessary by this article or as may hereafter be required by amendments to this article or any appropriate state legislation.

F. The Board shall also render advisory opinions to officers and employees of the City with respect to this article and any Code of Ethics adopted pursuant hereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board may prescribe. In addition, it may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics on its own initiative or upon the request of the City Council.

G. The members of the Board of Ethics shall receive no salary or compensation for their services as members of this Board and shall serve at the pleasure of the appointing authority.

Article III. Financial Disclosure

§ 33-15. Annual statement required.

Effective for the calendar year beginning January 1, 1988, an annual statement of financial disclosure in a form to be administered by the City Manager, upon approval of the City Council, shall be filed in the office of the City Clerk by the following persons:

A. All local officers or employees as defined now or hereafter under § 810, Subdivision 3 of the General Municipal Law of the State of New York.

B. All local elected officials as defined now or hereafter under § 810, Subdivision 2 of the General Municipal Law of the State of New York.

C. All municipal officers or employees, as defined now or hereafter under § 800, Subdivision 5 of the General Municipal Law of the State of New York.

D. All candidates for elective office of an office within the City of Auburn, with the exception of Judges of the Auburn City Court, within the time periods designated under § 812, Subdivision (1)(a)(iii), (iv) and (v) of the General Municipal Law.

§ 33-16. City Manager to provide form.

The City Manager shall promulgate and distribute to those persons required to file the annual financial disclosure statement a financial disclosure statement form.

§ 33-17. Filing date.

Each year all covered persons shall be required to file an annual financial disclosure statement no later than February 15 of such year with the City Clerk.

§ 33-18. New officers and employees.

Any persons who are newly elected, appointed, hired or otherwise become persons subject to this article shall file, within 15 days of their appointment, the annual statement of financial disclosure.

§ 33-19. Disciplinary procedures.

A. Any covered person who fails to file the annual financial disclosure statement as required by this article shall be subject to discipline, suspension or removal from office after a hearing upon 15 days' notice before the Board of Ethics or pursuant to disciplinary proceedings as are required for those persons eligible under the collective bargaining agreement between the City of Auburn and its bargaining units.

B. Any person who willfully files a false financial disclosure statement shall be subject to penalty, discipline, suspension or removal after a hearing upon 15 days' notice by the Board of Ethics or pursuant to disciplinary proceedings as are required for those persons eligible under the collective bargaining agreement between the City of Auburn and its bargaining units.

§ 33-20. Rules and procedures for hearings.

The Board of Ethics of the City of Auburn is hereby empowered to establish rules and procedures for hearings in regard to the requirements of this article.

407A Federal Grant Funded Program(s) Employee Code of Conduct

1. Employees managing active federal grant funded programs shall not engage in electoral activities, voter registration, voter transportation to polls and efforts to influence legislation; and
2. Federal grant funds are not to be used to finance labor or anti-labor organizations or related activities;

Specific Federal Grant Funded Program(s) Employee and/or Volunteer Code of Conduct

1. Employees managing the RSVP program and volunteer station(s) shall not request or receive compensation from the beneficiaries of Senior Corps volunteers;
2. Employees managing the RSVP program and any RSVP volunteers shall not give religious instruction, conduct worship services or engage in proselytization as part of their duties.

408 Personnel File

Policy Statement - It is the policy of the City to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the City will endeavor to maintain only that personnel information necessary for the conduct of the City's business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

Content - The personnel records maintained by the City include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisals, grievance or dispute resolution notices, counseling memoranda, notices of discipline, and probationary reports.

Location of Files - All original personnel records for current employees will be kept in the City Manager's Office and will be maintained and controlled by the City Manager or his/her designee.

Immigration (I-9) Forms - All Immigration (I-9) Forms will be kept in a separate file apart from the employee's personnel file.

Medical Records - All employee medical records will be kept in a separate file apart from the employee's personnel file in the City Manager's Office and will be maintained and controlled by the City Manager or his/her designee. For security purposes, these files will be locked at all times.

Substance Testing Records - All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the Office of the Corporation Counsel and will be maintained and controlled by the Corporation Counsel. For security purposes, these files will be locked at all times.

Change in Status - An employee must immediately notify the Payroll Officer of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Review of Personnel Files - Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the City Manager's Office and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee's personnel file without the approval of the City Manager.

409 *Separation from Employment*

Notice of Resignation - An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. All resignations shall be filed in the Comptroller's Office.

Exit Interviews - Exit interviews are normally conducted by the City Manager or his/her designee. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of City property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck - Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for unused, earned vacation benefits, if applicable.

500 OPERATIONAL POLICIES

500A Physical Examination Policy

City of Auburn may require a mandatory, job-related medical examination when there is a need to determine if an employee can perform the mandatory functions of his or her position. This exam will identify physical limitations or restrictions. A medical examination may also identify significant health or safety risks to the employee or others by identifying infectious diseases, or other medical monitoring as required by medical standards, professional licensing bodies or standards established by federal, state or local law.

501 Departmental Hours

Normal Hours of Operation - The normal business hours for City government operations are established by the City Council. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The City Manager reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Municipal Law.

Flex-Time - An employee may begin and/or end a given workday at a time requested by the employee and approved by the Department Head. Such "flex-time" must normally be during the time the department is open and available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The City Manager reserves the right to approve all "flex-time" schedules.

Department Head Absences - Department Heads have duties that may require them to be absent from their offices at certain times during the day. In the event that a Department Head is absent from the office, basic departmental forms should be readily available for distribution and/or collection. It is the Department Head's responsibility to determine what services are to be provided and to schedule coverage of these basic services during scheduled business hours.

Union Employees - The work schedules of employees covered by a collective bargaining agreement shall be governed by the applicable collective bargaining agreement.

502 Meal and Rest Breaks

Meal Breaks - An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed sixty minutes.

Scheduling of Meal Breaks - Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

Rest Breaks - A full-time employee will normally receive a paid, duty-free rest break of up to fifteen minutes to be taken approximately in the middle of the first half of the employee's workday and again during the middle of the second half of the workday. In the event an employee works beyond the employee's normal workday, the employee will normally receive an additional paid, duty-free rest break of up to fifteen minutes to be taken approximately in the middle of each four hours of work that is not interrupted by a meal break. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

Approval of Rest Breaks - Rest breaks must be approved by the employee's Department Head in accordance with the needs and requirements of the department. Unless otherwise specified by departmental rules, all rest breaks must be taken at the work-site and may not exceed the time allowed.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Meal and Rest Breaks provisions set forth above and should refer to the applicable collective bargaining agreement.

503 Emergency Situations

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the City Manager may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the City Manager may direct that certain employees who perform non-essential services leave work.

Payment of Wages - Pay for FLSA non-covered or exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

During Work - A full-time employee who is directed by the City Manager to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime/compensatory time. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

Prior to Reporting to Work - If a determination is made to close operations prior to the start of a workday, the City Manager will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

If the City Manager does not authorize the closing of non-emergency operations, an employee who chooses to not report to work or to leave work must get permission from the employee's Department Head. Such absence will be charged to the employee's accumulated compensation, leave, personal, or vacation leave, and will be an unpaid absence if no leave is available.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth above and should refer to the applicable collective bargaining agreement.

504 Time Records

Policy Statement - All employees are required to complete an individual time record showing the daily hours worked.

Procedures - An employee required to complete a time record must comply with the following procedures:

- All time worked, including the beginning and ending time, must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete their own time record;
- The time record must be completed daily;
- The time record must be verified and signed by the Department Head;

Correction of Errors - An employee must immediately bring errors in time records to the attention of the employee's Department Head who will investigate the matter and make and initial the correction once the error has been verified.

Unauthorized "Flex-Time" - Unless prior approval has been obtained from the Department Head, arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performed no pre-approved authorized duties for the City during such intervals.

Falsification of Time Records - An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee's own time record, the Department Head may complete the time record on behalf of the employee.

Time Clocks Kronos System – All employees will clock in and out using their employee ID card at a Kronos terminal or by logging into the Kronos System from their computer.

Employees may not clock in or out on behalf of another employee. If an employee is ill or otherwise cannot clock in or out from him or herself the employee must call their supervisor or department head who will record their absence as appropriate.

Employees do not need to clock out for lunch breaks. Lunch break periods will be accounted for based on applicable union contracts.

Grace periods for start times will be established by each department based upon work needs.

505 *Bonding*

Insurance - The City will provide bonding insurance for an employee who is required to act in a fiduciary capacity.

506 *Expense Reimbursement*

Policy Statement - Subject to prior authorization by the City Manager and/or his/her designee, an employee or Elected Official will be reimbursed for expenses associated with carrying out City business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A claim form with all required documentation and corresponding receipts must be submitted to the Comptroller's Office in order for the reimbursement to be processed. The City uses the IRS expense reimbursement rates as a guideline for expense reimbursements related to the above. Employees and elected officials should be aware of the guidelines when incurring business expenses.

Mileage - An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct City business will be reimbursed at the current IRS mileage rate or the rate set forth in the applicable collective bargaining agreement, as the case may be.

Education and Training - Upon proper authorization of the City Manager, an employee will be reimbursed for training courses that are directly related to the employee's present job. Employees must first seek approval from their Department Head before the request is presented to the City Council.

Required Membership Fees - Upon proper authorization of the City Manager, an employee required to hold membership in a professional organization as part of the employee's job will be reimbursed for any required dues and/or fees.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Education and Training and Required Membership Fees provisions set forth above and should refer to the applicable collective bargaining agreement.

507 **Vehicle Usage**

Policy Statement - All vehicles and related equipment of the City of Auburn are owned and maintained for the purpose of conducting official business of the City. Said vehicles and equipment may not be used for the private gain of any official or employee, nor for any other purpose which is not in the general public interest.

Standards - For the purpose of compliance with this policy, the following standards must be met at all times:

OPERATOR RESPONSIBILITIES

Department Heads are responsible for supervising the use of all vehicles (including 24-hour vehicles) assigned to the department. No one other than a City employee shall be permitted to operate a city-owned vehicle unless authorized by the City Manager.

General Operator responsibilities -All employee/operators are responsible for:

- Observation of all traffic laws;
- Operating and parking vehicles with due care;
- Operating in a safe and courteous manner;
- Reporting all accidents, parking; and moving violations to department heads and to the Corporation Counsel; and also cooperate with any Police investigation of the incident;
- Paying with personal funds any fine for violations incurred while using the vehicle;
- Wearing seat belts while operating the vehicle, and ensuring that any passengers in the vehicle are also wearing seat belts;
- Possessing a valid New York State Driver's license and having such license on one's person when operating the vehicle;
- Reporting any mechanical problems or damage to the Department Head and/or City Garage, (as appropriate) and complete all necessary forms required by the City;
- Refueling and servicing the vehicle at designated facilities unless the vehicle is taken outside of Cayuga County for a period of more than five consecutive hours;
- Checking oil levels and making other routine visual checks at each refueling;
- Delivering the vehicle to the City Garage or other designated repair facility, for scheduled maintenance work;
- Notifying the insurance carrier and the Department Head if the vehicle is to be taken outside of New York State for any reason;
- Refraining from transporting non-City employees or persons who fall outside the realm of City business;
- Refraining from attaching personal emblems or accessories to vehicles and removing those which may be attached by others;

- Ensuring that the smoking of cigars, cigarettes or pipes does not occur in City-owned vehicles;
- Maintaining-the interior of vehicles in a clean, litter free condition.
- Unless permission is granted by the employee's Department Head, no City vehicles will be allowed outside the City limits for any personal reasons, including but not limited to meals, breaks, transporting family members, etc.
- City vehicles will be allowed outside the City limits when responding to emergencies, performing investigations, mutual aid, or any other time whereby permission is granted by the Department Head, with the knowledge of the City Manager.

Operator Supervisor Responsibilities - Department Heads or their designees shall be responsible for:

- Reviewing operator violation records and restricting or rescinding the access of abusive drivers;
- Ascertaining that operators are properly licensed;
- Developing and enforcing procedures governing the use of departmental pools;
- Authorizing departmental staff to utilize the City Hall pool;
- Ascertaining that 24-hour assignment operators have available legal off-street storage facilities;
- Coordinating with the insurance carrier any out-of-state use of a vehicle;
- Informing the City Manager's office of any changes in assignments as they occur.

24-Four Assignment Operator Responsibilities - In addition to responsibilities noted above, recipients of 24-hour assignments are responsible for:

- Securely storing vehicles overnight, parked legally;
- Submitting annually a "Use of City Vehicle on 24-Hour Assignment" report to the Department of Finance (excluding emergency vehicles);
- Paying personal income tax on the taxable value of the personal use of the assigned vehicle;
- During vacations or extended time off, vehicles must be returned to the employee's department until the employee returns to work.

City Hall Pool Operator Responsibilities - Users of the City Hall pool are, in addition to the responsibilities noted above, responsible for:

- Notifying the appropriate Department Head or City Manager of any accident, mechanical problem, parking or moving violation incurred while using the vehicle;
- Depositing the keys as proscribed by the Department Head or City Manager upon return;

- Assuring that fuel tanks are maintained at no less than 1/2 full.

508 *Driver's License*

Requirement - An employee who is required to drive either a City-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the City, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the City.

Commercial Drivers - An employee who operates a vehicle which requires a Commercial Driver's License (COL) must maintain such license throughout employment. Proof of such license must be on file with the City. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the City within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

Loss of Driver's License - An employee who is required to possess a driver's license or COL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or COL license may affect the employee's employment with the City.

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

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

Tools and Equipment - The employee must repair or replace any City-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any City-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use City facilities, City-owned tools or equipment to work on vehicles or trailers not owned by the City.

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

510 Telephone/Cell Phone Usage

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

An employee must answer promptly and speak in a clear, friendly and courteous tone;

An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information;

If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred;

During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;

Collect calls may not be accepted without the approval of the Department Head or supervisor;

An employee may make personal telephone calls; however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties;

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

Computer Systems, Internet/E-mail Service and Social Networks

Policy Statement - The purpose of this policy is to provide guidance for the use of City- owned computer systems, Internet/E-mail service and Social Networking.

Computer Systems

Property - All computer systems, hardware, software, and files are the property of the City of Auburn. This includes the messages created, transmitted, and stored on such systems and equipment.

Authority - Department Heads have the authority to inspect the contents of any computer equipment, data/files, or electronic mail ("E-mail") of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads and Supervisors may be inspected by the City Manager in the normal course of duty. There is no guarantee of privacy when using City-owned computer systems and equipment. The right of access to such may be exercised, for example, but not limited to, for the following reasons:

- Complying with an investigation into suspected criminal acts.
- Recovering from system failures or other emergencies.
- Investigation into suspected breeches of security or violation of City policies.
- Evaluating the effectiveness of electronic mail or to find lost messages.
- Providing assistance when employees are out of the office or otherwise unavailable.

Usage - All computer systems, hardware, and software provided to an employee are provided for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the City of Auburn. No unauthorized or unlicensed hardware or software may be used or installed on any City- owned computer. Any hardware or software necessary to perform job duties should be requested of the employee's Department Head.

Prohibited Uses - In addition to the guidelines set forth above, the following uses of City-owned computers and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring of obscene or suggestive messages or graphical images;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person;
- Using or aiding in the unauthorized use of another person's password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of non-business software;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not owned by the City;
- Installation or use of City owned hardware or software for any use that is not City related business;
- Installation or use of any unauthorized or unlicensed hardware or software;
- Installation of any software containing viruses.
- Allowing non-employees use of City computer systems.

Internet/Electronic Mail Requirements

Eligibility – Internet/E-mail service may be provided to employees who can demonstrate a work-related reason to have access. Approval must be given by the employee's Department Head or supervisor.

Proper Usage - In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet/E-mail service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the City of Auburn. Additionally, it is the responsibility of the employee to adhere to the following guidelines:

- E-mail must be used in a professional manner.
- Messages must not be threatening, insulting, obscene, abusive, or derogatory.
- Messages must not include remarks that constitute sexual harassment.
- Chain letters are illegal and must not be transmitted through E-Mail.
- Employees are responsible for saving any E-mail that they want to keep permanently.
- Messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity.
- Messages must not involve personal not-for-profit solicitations.
- Messages must not potentially embarrass the City of Auburn.
- Files must be housecleaned as appropriate, deleting any non-essential E-mail and/or downloaded information that have been saved.
- Passwords should not be given to anyone other than the employee's Department Head or Supervisor.
- Internet must not be used for the propagation of computer viruses.
- Internet must not be used for personal recreational activities (e.g. online games).
- Participation in non-business Internet chat groups is prohibited. .
- As a security precaution, a workstation must not be left signed onto E-mail or the Internet and unattended for a long period of time (or overnight). Each employee must log off the network when not in use.
- Employee Internet/E-mail usage may be subject to filtering and will be monitored.
- Employees should be aware that deletion of any E-mail message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management.

Reliability - Users should be aware that because the internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The City is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

Security - There is no guarantee of privacy of data/files, including e-mail, on City-owned computers. As stated herein, all files and internet usage are subject to inspection and/or monitoring by Department Heads and supervisors. Any employee who is required to have a password must submit that password to the employee's Department Head.

Reporting of Violations - Anyone with information as to a violation of this policy is to report said information to the employee's Department Head. Once the employee's Department Head is informed of the violation, a formal process, consistent with this Employee Handbook, collective bargaining agreement and/or applicable law, will begin.

Social Networks

PURPOSE: This policy regarding City Websites, Social Media Pages, and Social Networking Activities provides guidelines for conduct by full time, part-time, contract, appointed board & commissions members and volunteer personnel working for or on behalf of the City or any of its subsidiary bodies ("**City Employees**") who use City Websites, Social Media, and Social Networking to post information or to interact with the public on behalf of The City of Auburn (the "**City**") or regarding City matters. This Policy covers all tools and technology used for all City Websites, Social Media Pages, and Social Networking Activities, both currently existing and any that may be developed in the future.

POLICIES

City Websites

- A. The City Websites are and will remain the primary internet communication tool for the City.
- B. The domain names for all City Websites must be registered in the name of the City in accordance with this Policy.
- C. In order for a Department Director or City Employee to establish an additional City Website, the Department Director or City Employee must submit an application to the CMO in the form established on Appendix A, and receive the CMO's approval for the establishment of any such site.
- D. To provide a high level of quality, consistency, usability, and value to the City's web communications, the following standards must be followed for postings on City Websites:
 - i. Content should provide timely information of general interest to the public and reflect the City's programs, services, initiatives, or areas of responsibility.
 - ii. Content shall be approved by the CMO, or its designee, prior to posting.
 - iii. Content should provide useful information to residents, businesses, visitors, and potential businesses.
 - iv. City Employees are responsible for ensuring the accuracy and timeliness of all information posted.
 - v. City Websites will incorporate elements to comply with the American with Disabilities Act (ADA).
 - vi. To allow viewers to navigate easily through City Websites, City Employees that post content must follow the page layouts, navigation link placement, use of graphics, font styles, etc. as established from time to time by the CMO.
 - vii. Any hyperlink leading to a site that is hosted by a party other than the City must contain the following disclaimer: ***By clicking this link you are now exiting The City of Auburn's website. The City is not responsible for and has not confirmed the accuracy of the content on the linked website.***
- E. Comments posted by the public and public discussion boards shall not be allowed on City Websites.
- F. All public interaction with the City on City Websites should be routed through email or any other regular business communications mechanisms that the City may establish from time-to-time.
- G. All City Websites must identify that the City is the copyright holder for the content of the page.

Social Media Pages

- A. Prior to creating and maintaining a City-related Social Media Page, City Employees must submit an application to the CMO in the form established on Appendix B, and receive the appropriate Department Director's and CMO's approval for the establishment of any such page. City Employees must provide specific reasons for maintaining separate Social Media Pages. If approved, the Department Director and CMO will periodically review each Social Media Page. Those that do not meet the City's intended goals and objectives may be

- removed at any time at the sole discretion of the CMO.
- B. Comments posted by the public and public discussion boards shall not be allowed on the City's Social Media Pages.
 - C. Each City Social Media Page must include an introductory statement that clearly specifies its purpose, intended audience, and topical scope. Where possible, Social Media Pages should link back to City Web Pages for forms, documents, all official communication with the City, and any other information.
 - D. All Social Media Pages must be established in the City's name, and the log-in name, password for access, and a list of all City Employees having access to the password must be submitted to the CMO.
 - E. In order to minimize public confusion, City Employees should only publish or post information under the City's official user name and profile.
 - F. Real time chat features must be disabled on all Social Media Pages.

Social Networking Activities

- A. In addition to City Websites and Social Media Pages, the City may engage in other social networking activities, which may include, but are not limited to, sending e-mail newsletters, sending text, SMS, or MMS messages to mobile devices, posting content on websites or Social Media Pages that are not hosted or operated by the City.
- B. City Employees may not engage in real time chats during work hours without CMO approval.
- C. Prior to engaging in Social Networking Activities on behalf of or related to the City, a City Employee must submit the application provided in Appendix C and obtain prior approval from the CMO.

General Policies

- A. City Employees granted permission to use City Websites, Social Media Pages, or engage in Social Networking Activities are responsible for complying with applicable federal, state, county and City laws, ordinances, regulations, privacy and information security policies and protocols established by the City.
- B. The City reserves the right to restrict or remove any content that is hosted on City Websites or Social Media Pages that is deemed in violation of this Policy or any applicable laws.
- C. City Employees representing the City via City Websites, Social Media Pages, or Social Networking Activities must conduct themselves at all times as representatives of the City.
 - i. City Employees posting content must follow these guiding principles:
 - a. Maintain transparency by using your real name and job title, and by being clear about your role regarding the subject.
 - b. Write and post only about your area of expertise, and if such posting is related to the City and your assignments.
 - c. Keep postings factual and accurate.
 - d. Post meaningful, respectful entries that are on topic.
 - e. Pause and think before posting. If you are about to post something that makes you even slightly uncomfortable, do not post it. Understand that postings are widely accessible, not easily retractable, and will be around for a long time, so consider content carefully.
 - f. Ensure your posting does not violate the City's privacy, confidentiality, and applicable legal guidelines for external communication.
 - g. Ensure you have the legal right to publish all materials, including photos and articles pulled from other sites. Abide by all brand, trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws. Even when using material from copyright-free sources, always include appropriate attributions.
 - h. Remember that your postings are ultimately your responsibility.
 - ii. City Employees may not post inappropriate content. Such inappropriate content

may include, but is not limited to:

- a. That which directly or indirectly endorses any person or organization not directly associated with the City, unless otherwise approved by the CMO.
 - b. Commentary or personal opinions.
 - c. Photographs, music, video, graphics, or other content unless you have first obtained the written permission of the copyright holder or proof of being royalty-free.
 - d. Content in support of or opposition to political campaigns or ballot measures.
 - e. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
 - f. Information that may tend to compromise the safety or security of the public, public systems, or public services.
 - g. Content that violates a legal ownership interest of any other party.
 - h. Information related to legal matters, litigation, or any parties with whom the City may be in litigation.
 - i. Content that violates any applicable law or encourages the violation of any applicable law.
 - j. Personal attacks, insults, or threatening language.
 - g. Private or personal material published without consent.
 - h. Profane language or obscene content.
- D. In utilizing Social Media Pages or engaging in Social Networking Activities in a personal capacity, make it clear that your postings represent your individual view and not the official position of the City.
- E. Employees are free to use social media to express themselves as private citizens to the degree that their comments do not impede the performance of duties, impair harmony among coworkers, release of confidential information they have access to by virtue of their employment or willfully misrepresent policies and operations of the City.
- F. If a website or employee posts City-related information on a non-City Social Media site, the policies and guidelines outlined herein also apply.
- G. City Employees may not post content to City Websites or Social Media Pages, or engage in Social Networking Activities related to the City during personal time, unless otherwise authorized by their Department Head. All posts must be made as part of the City Employees regular work schedule.

DISCIPLINE

- A. The various Department Directors or their designees are responsible for compliance with the provisions of this Policy by City Employees under such Department Director's control and for investigating non-compliance.
- B. Suspension of a City Employee's Internet access may occur when deemed necessary to maintain the operation and integrity of the City's internal network or if a City Employee has violated this Policy.
- C. Internet user account and password access may be withdrawn without notice if a City Employee violates this Policy.
- D. Lack of adherence to this Policy may result in disciplinary action up to and including termination.
- E. If a City Employee violates any applicable Laws, the City may pursue criminal or civil action against the City Employee.

For any website or social media account that appears to be operating as a City Website, or social media account without receiving the appropriate approvals from the CMO, or if the CMO determines the public may perceive that any unaffiliated website or social media account expresses official views of the City, the City will notify such website or social media account that it must conspicuously post the following notice: ***This website (social media account) is not affiliated with The City of Auburn or any of its subsidiary bodies. The views and opinions expressed in this website (social media account) do not reflect the views or positions of The City of Auburn. The City of Auburn has not and cannot verify the veracity of the content of this website (social media account) and is not responsible for any injury that results from the reliance on information presented on this website.***

Should any such website or social media account refuse to comply, the City will send a cease and desist notice.

512 *Personal Appearance*

Policy Statement - It is the policy of the City that each employee's dress, grooming and personal hygiene should be appropriate to the work situation.

Standards - An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the City. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear suggestive attire, athletic clothing, shorts, tank tops, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance.

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

Safety Clothing and Equipment - An employee may be required to wear safety clothing and equipment as directed by the Department Head. If such is the case, the employee must comply with all safety requirements.

Uniforms - An employee may be required to wear a uniform or other City issued attire as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements.

513 *Solicitations/Distributions*

Policy Statement - It is the policy of the City to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

During Working Hours - An employee may not distribute literature or solicit other employees during working hours without approval from the appropriate Department Head.

During Meal and Rest Breaks - With permission from the Department Head, an employee may distribute literature and solicit other employees during meal and rest breaks provided it does not interfere with the normal operations of the department, reduce employee efficiency, annoy fellow employees, or pose a threat to the City's security.

514 *Visitors*

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

515 *Purchasing*

Policy Statement - The City has established an official procurement policy that must be followed without exception. No employee shall make purchases for the City, or use the City's name to make purchases, unless so authorized by the City Manager or his/her designee and in adherence to the procedures set forth in the procurement policy.

516 *Maintenance of Work Area*

Policy Statement - It is the policy of the City that work areas must be kept safe, clean and orderly at all times.

Employee Responsibility - Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking restrictions established by City policy and outlined in this Employee Handbook;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

Supervisory Responsibility - Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- Abide by and enforce the City's smoking policy;
- Ensure the proper disposal of all trash and waste.

517 *Personal Property*

Policy Statement - It is the policy of the City to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The City recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

Personal Liability - An employee is expected to exercise reasonable care to safeguard personal items brought to work. Except as otherwise provided by a collective bargaining agreement, the City will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

Security Inspections - Desks, lockers and other storage devices may be provided for the convenience of employees, but remain the sole property of the City. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, with or without notice. The inspection may be made in the presence of the employee. The City is not responsible for loss or damage to personal property placed in such storage devices.

518 *City Property*

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

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Books or other Reference Materials, including this Employee Handbook
- City-owned vehicles

Reporting of Damage of City Property - Employees must repair any damage to City property to the Department Head and complete all necessary forms required by the City.

Return of Property - Except as otherwise provided by a collective bargaining agreement, all City property must be returned to the City before the employee's last day of work.

519 *Unauthorized Work*

Policy Statement - An employee may not perform work for any entity other than the City during the employee's tour of duty, or claim that City work was done when such is not the case.

520 **Outside Employment**

Policy Statement - It is the policy of the City that an employee may engage in outside work as long as such outside work does not interfere with the employee's performance standards, pose an actual or potential conflict of interest, or compromise the interests of the City.

Guidelines - The following guidelines have been established for an employee who engages in outside work.

- An employee will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements;
- If the City determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the City;
- No City equipment, supplies, or other material may be used by an employee on other than City work for monetary gain;
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the City for materials produced or services rendered while performing the employee's City job;
- A City employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee's own time and that the employee is not representing the City while performing such work.

Employee Responsibility - A City employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Department Head.

Union Employees - In addition to the above guidelines, an employee who is a member of a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the collective bargaining agreement or rules of the department to which the employee is assigned.

600 ABSENCE POLICIES

601 Attendance

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding absence from work:

Tardiness - An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head* prior to the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the Department Head*.

Daily Notification - In the event an employee is unable to report to work, the employee must notify the employee's Department Head* each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be waived.

Scheduled Absences - An employee should schedule personal appointments either before or after the employee's scheduled workday or on scheduled days off whenever possible. Requests for scheduled time off, including the use of personal leave Section 804 must be submitted in writing to the employee's supervisor in accordance with departmental procedures. The reason for the absence must be indicated. All requests for time off are subject to approval by the employee's Department Head* on a case-by-case basis.

Unscheduled Absences - An employee who is unable to report to work must personally contact the employee's Department Head* prior to the employee's scheduled starting time or as soon thereafter as possible. The employee must speak directly with the Department Head* indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Leaving a message on an answering device or with a co-worker is not permitted. Notification requirements may be waived in cases of emergency.

Unexcused Absences - Any time off from work that is without approval of an employee's Department Head* is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure - In the event an employee must leave work during the workday, the employee must seek permission from the employee's Department Head* prior to leaving.

Leaving the Premises - An employee must obtain prior approval from the employee's Department Head* to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

Documentation of Absences - An employee who has frequent absences may be required to provide documentation of the reason for any future absences.

*Or a designee established by the Department Head.

601A Communicable Disease Policy

A communicable disease is a disease that can be transmitted from one individual to another via: (1) direct physical contact, (2) the air (cough, sneeze or particle inhaled), (3) through a transmission vehicle (either ingested or injected) or (4) through a vector (animals or insects). Examples of some of the most common communicable diseases include: measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV), AIDS, AIDS - Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS) and tuberculosis (TB). This definition may be broadened in accordance with the recommendations and information provided from the Centers for Disease Control and Prevention (CDC).

City of Auburn will make decisions involving those with communicable diseases based on medical information concerning the disease in question, the risks of transmission to other, symptoms and any special circumstances of the individuals involved. The City will weigh potential risks and available alternatives before making any decisions.

Reporting Procedure

Those employees who demonstrate signs or symptoms of a communicable disease that poses a credible threat of transmission in the City of Auburn workplace should report that potential infection or disease immediately to their Department Head. The employee is then responsible for keeping City of Auburn informed of his or her condition that may require extended care, missed work, etc. The employee may also be required to provide written documentation from a physician to return the worksite.

Hiring and Employment

Individual will not be denied access to the worksite solely because they have a communicable disease, but may be excluded from City facilities, programs and functions if City of Auburn determines that restriction is necessary to protect the welfare of the infected individual or the welfare of others.

City of Auburn will comply with all applicable statutes that protect the privacy of individuals with communicable diseases.

City of Auburn reserves the right to revise this policy without notice during changing pandemic conditions.

601B Contagious Illness Policy

City of Auburn realizes that employees with contagious temporary illnesses, such as influenza, colds and other viruses, need to continue with normal life activities, including working. However, the City also seeks to maintain a healthy workplace for its employees and customers.

In deciding whether an employee with an apparently short-term contagious illness may continue to work, the City considers several factors. The employee must be able to perform normal job duties and meet regular performance standards.

In the judgment of the City the employee's continued presence must pose no risk to the health of the employee, other employees and customers. If an employee disputes the City's determination that this type of risk exist, the employee must submit a statement from his or her attending health care provider that the employee's continued employment poses no risk to the employee, other employees and customers.

602 *Jury Duty Leave*

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding jury duty:

Jury Leave - In the event a full-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary or seasonal employee shall receive paid jury duty leave if the employee is scheduled to work for the City on the day the jury duty is served. An employee is obligated to notify the Commissioner of Jurors that the City is paying the employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty.

Notification of Jury Duty - When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's Department Head.

Return to Duty - In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

Accrual of Benefits - The City will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

603 **Bereavement Leave**

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Bereavement Leave provisions set forth below and should refer to the applicable collective bargaining agreement.

Eligibility - In the event of a death of a full-time employee's immediate family member, the employee may take a paid leave for up to three consecutive days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Definition of Immediate Family – For purpose of bereavement leave, "immediate family member" will mean the following:

- Spouse
- Parent (includes foster or step-parent)
- Mother-in-law
- Any other relative who is a member of the employee's household
- Child (includes foster or step-child)
- Sibling
- Father-in-law

Funeral Leave (Extended Family) - In the event of a death of a full-time employee's family member who is a relative as listed below, the employee may be excused from work to attend the funeral, provided the employee was regularly scheduled to work the day of the funeral. The employee will be paid for the day and such leave will not be subtracted from any of the employee's leave credits.

- Brother-in-law
- Grandparent
- Aunt
- Sister-in-law
- Grandchild
- Uncle

Extended Leave - One additional day of bereavement/funeral leave with pay shall be granted to an employee if the death of the employee's relative (as defined above) necessitates out of state travel. With authorization from the employee's Department Head, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement/funeral leave. The Department Head will have total discretion in the approval of an employee's extended bereavement leave, based upon the needs of the department.

604 **Military Leave**

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Military Leave Enhanced Benefits provisions set forth below and should refer to the applicable collective bargaining agreement.

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

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

Military Leave Enhanced Benefits – Upon exhaustion of the paid military leave required by Section 242 of the NYS Military Law, the City of Auburn will provide the following benefits for an employee who is ordered to military duty for period of one year.

The employee will receive the difference between the wages paid by the City and the employee's total entitlement paid for ordered military duty.

Dependents of the employee who are enrolled in the City's health insurance plan will continue to receive health insurance benefits under the plan. The employee's premium contributions will continue to be required. The employee's coverage will continue until such time as military benefits are available. At such time, the City's health insurance plan will become secondary.

Annual benefits and sick leave as provided by the various Collective Bargaining Agreements and the Management Policy will continue to accrue during the time an employee is on military leave.

In the event an employee's tour of duty extends beyond one year, the employee may make a written application to the City Manager for an extension of these benefits. An extension of benefits will be considered on a case-by-case basis.

605 *Family and Medical Leave Policy*

Statement of Compliance - The City of Auburn complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

Summary - FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is a rolling period measured backward from the date an employee uses any FMLA leave. At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave.

Eligibility - To be eligible for an unpaid leave under FMLA, an employee must meet the following requirements:

The employee must have worked for the City for at least twelve months before the leave request (these need not be consecutive);

The employee must have worked for the City for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and

The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.

Spouses who both work for the City of Auburn are allowed a combined maximum of twelve work weeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period.

Types of Unpaid Leave - An eligible employee will receive an unpaid leave under the following circumstances:

Inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition;

Upon the birth of the employee's child and to care for the newborn child;

Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child; or

To care for the employee's spouse, child, or parent who has a serious health condition.

Definitions - The following terms are fully defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825. For the purpose of this policy, the following definitions will apply:

Serious Health Condition will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:

* A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;

A period of incapacity due to pregnancy or prenatal care;

A period of incapacity or treatment for such incapacity due to a chronic serious health condition;

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Health Care Provider will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.

Family Member will mean and refer to:

Spouse - husband or wife as defined or recognized under State law for purpose of marriage;

Parent - biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined in directly below. This term does not include an employee's parents "in-law";

Child - biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements - If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty (30) calendar days prior to the commencement date of the unpaid leave. The employee and Department Head must complete the Family And Medical Leave Act Request Form and forward the completed form to the Comptroller's Office for review. The failure of an employee to give thirty (30) days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty (30) days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

Extension of Original Leave Request - In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the employee must submit a new Family and Medical Leave Request Form seeking approval for the extension.

Status Reports - The employee must periodically update the appropriate Department Head as to the employee's status and intent to return to work.

Medical Certification - The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the Comptroller's Office. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

The City of Auburn reserves the right to request a second opinion by another health care provider. The City will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the City may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the City and the employee. This third opinion will be final and binding.

Leave for the Birth, Adoption or Foster Care Placement of a Child - Leave for the birth of a child or the placement of a child for adoption or foster care must be taken within twelve months from the date of the birth or placement.

Certification for Adoption/Foster Care - An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

Employment Restrictions During Leave of Absence - While on an approved unpaid leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the City of Auburn.

Use of Accrued Paid Leave Credits - For the purpose of this policy, the following will apply:

- An employee taking leave for the **birth, adoption or foster placement of a child or to care for a spouse, child or parent with a serious health condition** may be required to first use all or a portion of vacation leave credits and/or family sick days at the discretion of the City Manager or his/her designee which will be included in the maximum twelve weeks of leave. The substitution of paid leave for unpaid FMLA leave does not extend the twelve-week period.
- For leaves taken due to the **employee's own serious health condition**, the employee must first use all vacation and sick leave credits, which will be included in the maximum twelve-week period.
- In the event that the paid leave credits are greater than the maximum twelve-week period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-week period, up to a maximum of one year. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the City Manager may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability", in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Auburn Municipal Civil Service Commission Rules and Regulations*.

Continuation of Benefits - For the purpose of this policy, the following will apply:

- **Accrual of Paid Leave Credits** - An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave. After all such paid leave is exhausted; the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** - During the period of authorized FMLA leave of absence, up to a maximum of twelve weeks, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve week period, the-employee should refer to Section 815 - Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working_ Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA (see Section 809) will apply. In addition, the City may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
 - * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, which would otherwise entitle the employee to leave under the FMLA, with proper medical certification; or,

- * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

Workers' Compensation - Leaves taken under the Workers' Compensation Law may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the City designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits, the City cannot require the employee to substitute paid leave credits during this period of leave. If the workers' compensation leave has been properly designated as FMLA leave by the City, it can be counted against the employee's FMLA leave.

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that covered employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their Department Head for further details regarding this provision.

Return to Work - The following conditions for returning to work will apply:

Job Restoration - At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the Auburn Municipal Civil Service Commission Rules and Regulations.

Medical Statement - Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The City reserves the right to have the employee examined by a physician selected and paid by the City to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.

Early Return - An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the Comptroller's Office.

605A *Nursing Mothers Policy*

Nursing employees will be provided with reasonable break time to express breast milk during the workday. Nursing mothers returning from maternity leave should speak with their manager or supervisor regarding their needs. Department Heads will work with nursing employees to develop a break schedule that is reasonable, accounts for needs that may vary from day to day and creates the least amount of disruption to the Departments operations.

700 COMPENSATION

701 *Wage and Salary*

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Wage and Salary provisions set forth below and should refer to the applicable collective bargaining agreement.

Rate of Pay -An employee's rate of pay will be established by the City Council.

Longevity Bonus - A full-time employee is eligible to receive a longevity bonus based upon length of service completed with the City. The amounts of such bonus and service requirements are determined by the City Council and are subject to change. Further information is available from the Comptroller's Office.

702 *Overtime/Compensatory Time*

Union Employees - An employee who is a member of a collective bargaining unit shall receive overtime compensation in accordance with the provisions of the applicable collective bargaining agreement and is also subject to the overtime provision of the Fair Labor Standards Act (FLSA).

Authorization - A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or supervisor before working additional hours. An employee is not entitled to overtime pay or compensatory time for additional hours worked without proper authorization.

FLSA Non-Exempt Employees - In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek or eight hours in a given day.

Compensatory Time - With pre-authorization from the Department Head, a non-exempt employee will have the option of receiving "compensatory time" in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek or eight hours in a day. An employee may accumulate up to fifty hours in compensatory time credits. In the event an employee accrues more than fifty hours of compensatory time credits, the employee must either use the excess compensatory leave credits within the pay-period in which it is earned or take paid overtime.

FLSA Non-Covered and Exempt Employees - Where an FLSA non-covered or exempt employee is required to work in excess of their normal workweek because of an emergency situation, departmental needs, or as requested by the City Manager, the employee will be credited with compensatory time off at a rate equal to their normal rate for all hours worked in excess of their normal workweek, when such work is other than casual overtime. The maximum credit that may accumulate is fifty hours. There will be no expiration date on the use of compensatory time. Once the maximum fifty hours is reached, no additional hours may be accumulated and no monetary compensation will be received.

Termination from Employment - An FLSA non-exempt employee whose employment with the City is terminated will receive cash payment for unused compensatory time to which the employee is properly entitled at the employee's then current rate of pay, or based upon a three year average hourly pay rate, whichever is higher. An FLSA non-covered or exempt employee whose employment with the City is terminated will not receive cash payment for unused compensatory time.

Credit for Paid Leave - Personal leave, vacation leave, holidays, bereavement leave, jury duty leave, and military leave will be included as time worked for the purpose of computing overtime/compensatory time. Sick leave will not be included as time worked for the purpose of computing overtime/compensatory time.

703 *Pay Period and Check Distribution*

Payroll Period - Normally, employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period. Certain employees may be paid on a different schedule as established by the City Manager.

Payday - Under normal circumstances, paychecks will be issued on a Thursday after 2:00 p.m. Direct deposits will generally be available in the employee's account Friday morning. (If the employee uses a "small" bank, there is a slight chance that the direct deposit will not be available until the following Monday.) In the event a payday is a designated holiday, paychecks will be distributed on the preceding workday.

Distribution - The Treasurer will make paychecks available to the Department Heads after 2:00 p.m. for further distribution to employees.

Direct Deposit - The City provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Payroll Office.

Authorized Check Release - The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the Payroll Office.

704 *Payroll Deductions*

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

Voluntary Deductions - Payroll deductions provided through the City's payroll system will be made from an employee's paycheck when authorized by the employee with approval from the City Manager. Such deductions will be noted on the paycheck.

705 *Deferred Compensation Plan*

Summary - The City of Auburn has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the Comptroller's Office.

800 EMPLOYEE BENEFITS

801 Holidays

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Holidays provisions set forth below and should refer to the applicable collective bargaining agreement. ·

Eligibility - A full-time employee is eligible for holiday pay at the employee's regular rate of pay for the following designated holidays. A part-time, temporary, or seasonal employee is not eligible for holiday pay. NOTE: The Police Chief, Deputy Police Chief, and Fire Chief shall follow the holiday policy of their subordinates.

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Good Friday
5. Memorial Day
6. Fourth of July
7. Labor Day
8. Columbus Day
9. Veterans' Day
10. Thanksgiving Day
11. Friday after Thanksgiving
12. Christmas Day

Holiday Observance - In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

Holiday Pay Requirement - Unless otherwise authorized, an FLSA non-exempt employee must work the employee's scheduled workday before and the employee's scheduled workday after a designated holiday in order to receive holiday pay.

Assigned to Work on a Holiday - A full-time FLSA non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at one and one-half times the employee's regular rate of pay for up to eight hours worked, and wages at double the regular rate of pay for over eight hours worked. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

802 Vacation Leave

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Vacation Leave provisions set forth below and should refer to the applicable collective bargaining agreement.

Eligibility – A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Annual Allowance - A full-time employee will be credited with annual paid vacation leave in accordance with the vacation schedule below. The employee will be credited on January 1st for vacation leave earned during the previous year. Vacation Leave is based on the average number of hours an employee is normally scheduled to work each week.

After Completion Of:	Vacation Leave
One year of continuous service	Ten days
Two years of continuous service	Eleven days
Three years of continuous service	Twelve days
Four years of continuous service	Thirteen days
Five years of continuous service	Fifteen days
Seven years of continuous service	Eighteen days
Ten years of continuous service	Twenty days
Fifteen years of continuous service	Twenty-three days
Twenty years of continuous service	Twenty-five days
Twenty-five years of continuous service	Thirty days

Anniversary Allowance – A full-time employee will be credited with additional vacation leave upon reaching an anniversary date of employment as specified below:

Anniversary Date:	Vacation Leave
Two years	One day
Three years	Two days
Four years	Three days
Five years	Two days
Seven years	Three days
Ten years	Two days
Fifteen years	Three days
Twenty years	Two days
Twenty-five years	Five days

New Employees (Support Staff*) - A newly hired full-time employee in the job titles shown below will be credited with a prorated amount of vacation leave on January 1st following the employee's date of hire. The prorated amount will be calculated as the percentage of the initial calendar year worked times ten days. For example, an employee hired on April 1st will have worked 9/12 (75%) of the year times ten days, resulting in 7.5 days of vacation leave. The following January 1st, the employee will be credited with ten days of vacation leave. After that date the employee will follow the schedule shown above unless superseded by contract or personnel policy.

**Support Staff includes the following job titles: Civil Service Clerk, Secretary to the City Manager, Secretary to the Corporation Counsel, Secretary to the Mayor and City Council, Secretary (City Manager's Office). Additional job titles may be added to this list as determined by the City Council.*

New Employees (Department Heads, Management - Professional Staff*) - A newly hired full-time employee in the job titles shown below will be credited with ten days of vacation leave upon hire. Such employee will then be credited with a prorated amount of vacation leave on January 1st following the employee's date of hire. The prorated amount will be calculated as the percentage of the initial calendar year worked times ten days. For example, an employee hired on September 1st will have worked 4/12 (33.3%) of the year times ten days, resulting in 3.3 days of vacation leave. The following January 1st, the employee will be credited with ten days of vacation leave. After that date, the employee will follow the schedule shown above unless superseded by contract or personnel policy.

**Department Heads, Management - Professional Staff includes the following job titles: Comptroller, Corporation Counsel, Director of Municipal Utilities, Director of Planning and Economic Development, Fire Chief, Police Chief, Superintendent of Engineering Services, Superintendent of Public Works, Assistant Corporation Counsel, City Clerk, Deputy Police Chief. Additional job titles may be added to this list as determined by the City Council.*

Scheduling - An employee must receive prior approval from the employee's Department Head to take vacation leave. An employee may take vacation leave only after it has been credited. Vacation leave credits may not be used in increments of less than one hour. The Department Head will have total discretion in the approval of vacation leave.

Carry-over - An employee may carry-over a maximum of fifteen days of vacation leave to a subsequent calendar year. Under special circumstances the City Manager may approve carry-over of vacation leave in excess of fifteen days. An employee requesting such, an exception should submit a written request to the City Manager by December 15th.

Holiday During Scheduled Vacation - In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

Separation of Employment - An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the City will pay an employee's designated beneficiary for any unused vacation leave.

803 Sick Leave

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Sick Leave provisions set forth below, except for Abuse of Sick Leave (unless otherwise stated within the applicable collective bargaining agreement).

Eligibility - A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave. However, management personnel in the Police and Fire Departments shall follow the holiday policy of their subordinates.

Allowance – A full-time employee will be credited with one-half (1/2) day of paid sick leave each bi-weekly pay period, provided, however, that the employee is in full pay status for at least five work days during such bi-weekly pay period. Full pay status includes paid leave.

New Employee – A newly hired employee will not be credited with sick leave credits prior to completing three months of continuous employment unless superseded by contract or personnel policy.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the Department Head* prior to the employee's scheduled reporting time. The notification must be made personally to the Department Head*, unless the Department Head authorizes the use of an answering device or other mode for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head* each day of the absence. These procedures must be followed to receive paid sick leave.

Proper Use of Sick Leave - Sick leave is provided to protect an employee against financial hardship during an illness, injury or medical procedure. An employee may use sick leave credits for personal illness, injury, or medical procedure that inhibits the employee's work. Sick leave credits may not be used in increments of less than one hour. An employee may take sick leave only after it has been credited.

Family Sick Leave - An employee may use no more than five days of sick leave credits in a revolving twelve-month period for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave credits. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including step-child and foster child.

Accumulation - An employee may accumulate sick leave credits to a maximum of two hundred-sixty (260) days.

Medical Verification - The City may require medical verification of an employee's absence if the City perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than four consecutive workdays due to an illness or injury. If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Employee Handbook shall apply.

*Or a designee established by the Department Head.

Abuse of Sick Leave – An employee who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

Good Attendance Bonus - A full-time employee who in the previous twelve months uses two or fewer sick days shall be paid in the subsequent month of July at a rate of:

0 days used:	\$200.00
1 day used:	\$150.00
2 days used:	\$100.00

Sick leave used for family illness will count against the employee for receiving this incentive.

Separation of Employment - An employee who retires from the City of Auburn with ten (10) years or more of service and who at the time of retirement has at least seventy-five (75) days or more of accumulated sick leave shall be entitled to receive cash payment for twenty-five (25) days of such accumulated sick leave. The remaining balance of unused sick leave may be either applied against the cost of medical insurance coverage to the retiree, or applied in accordance with Section 41(j) of the Retirement and Social Security Law*, excluding Police and Fire Retirement System, or a combination thereof, at the employee's option. The following provisions shall also apply:

- If an employee elects the medical coverage option, the value of accumulated sick leave applied will be calculated at the rate of one (1) day for each two (2) days accrued.
- The maximum number of days that may be applied towards retirement credit under Section 41U) is 165 days* .

In cases of the death of an employee, the City will pay the employee's designated beneficiary for unused accumulated sick leave up to a maximum of ten days.

An employee whose employment with the City is terminated due to a resignation, lay-off, or disciplinary discharge will not receive cash payment or any other type of credit for unused sick leave.

**This provision does not apply to those employees enrolled in the Police and Fire Retirement System.*

804 **Personal Leave**

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Personal Leave provisions set forth below and should refer to the applicable collective bargaining agreement.

Eligibility - A full-time employee is eligible for paid personal leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

Annual Allowance - An eligible employee will be credited, on July 1st each year, with three days of paid personal leave. Personal leave will be credited in advance, and is considered to be earned at the rate of .25 days monthly, beginning on July 1st of each year. Personal leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take personal leave only after it has been credited.

New Employee Allowance - A new employee will be credited upon hire with a prorated amount of paid personal leave, calculated at the rate of .25 days for each full month between the date of hire and the following July 1st. Examples: Date of hire is October 15th; eight full months (Nov-June) times .25 days results in 2 days of personal leave credited in advance upon hire. Date of hire is January 1st; six full months (Jan-June) times .25 days results in 1.5 days of personal leave credited in advance upon hire. Thereafter, the employee will be credited with personal leave as specified above unless superseded by contract or personnel policy.

Proper Use of Personal Leave - An employee may use personal leave credits to conduct personal business. Personal leave credits may not be used in increments of less than one hour.

Scheduling - An employee must receive prior approval from the employee's Department Head to take personal leave. Personal leave must ordinarily be approved at least twenty-four hours prior to the time leave begins, except in cases of emergency. The Department Head will have total discretion in the approval of personal leave.

Accumulation - An employee may not accumulate or carry-over personal leave credits. Any personal leave credits remaining unused at close of business on June 30th will be canceled.

Separation of Employment - An employee whose employment with the City is terminated for any reason, including retirement, will not receive cash payment for unused personal leave. If upon separation, an employee has used personal leave that had not yet been earned (as specified in "Annual Allowance" above); the employee must reimburse the City for the value of the used, unearned personal leave.

805 Disclosure of Insurance Benefits

Summary - The following is a brief description of the insurance benefits offered by the City to eligible employees. Eligibility for benefits is dependent upon a variety of factors, including employment classification and length of service. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

Plan Administrator - The City Manager shall designate an Administrator of the City's benefits plans. The Administrator is responsible for all communications and disclosures concerning City benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Payroll Office.

Plan Documents - Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or City Policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the City Manager has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The City Manager is responsible for compliance with all applicable laws and regulations. The City Council may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in carriers and/or plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

A change in Benefits – Any benefit offered by the City to non-union employees or Elected Officials is subject to change by resolution of the City Council. Changes in benefits for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

Waiver of Benefits - An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form.

Enrollment Information - The Payroll Office will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

Changes in Status - Employees whose status changes from full-time to part-time are notified of the changes to their City benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Payroll Office in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent or changes in address.

Beneficiary - Under some of the City's benefit plans, each employee must designate a beneficiary for the employee's death benefits. This designation must be made in writing and on the form provided by the Plan Administrator.

806 **Medical Insurance**

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth below and should refer to the applicable collective bargaining agreement.

Eligibility - The City will make available medical insurance coverage to each full-time employee, Elected Official. Coverage is also available (after completion of one full year of continuous service) for a part-time employee who worked more than an average of twenty hours per week in the previous year. Other part-time, temporary, or seasonal employees are not eligible for medical/dental insurance coverage. In addition, no employee who is covered by an alternate medical insurance plan at no cost to the employee shall be eligible for coverage under the City's plan.

When Coverage Begins - Coverage will begin on a full-time employee's first day of employment or for Elected Officials, the first day of office, provided all eligibility requirements of the insurance plan are met. This could be superseded by contract or personnel policy. An eligible part-time employee must complete one full year of continuous service before coverage becomes available.

Premium Payment - The amount of the insurance premium to be paid by the employee is established by union contractor by Management Policy for non-represented employees except as noted below. Coverage will be for either an individual or family plan, as appropriate for each employee's circumstances.

Elected Official commencing office prior to January 1, 2005

The City will pay 100% of the premium cost for the "Comprehensive" plan.

Elected Official commencing office on or after January 1, 2005

Only the "Select" plan is offered. The City will pay 80% of the premium cost during the first year of office, 85% of the premium cost during the second year of office, and 90% of the premium cost thereafter.

Part-time employee (who worked an average of more than 20 hours per week in the previous year)

Only the "Select" plan is offered. The City will pay 30% of the premium cost during the first year of coverage, 35% of the premium cost during the second year of coverage, and 40% of the premium cost thereafter.

Pre-Tax Employee Premium Payments - An employee or Elected Official must pay the difference between the City's contribution and the full cost of insurance coverage, if any. Such payments will be made with pre-tax dollars, in accordance with IRS Section 125, through appropriate payroll withholding.

Changes in Premium Contributions - The amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the City Council. The City Council will provide a two-month written notice of such change.

807 Medical Insurance for Retirees

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance for Retirees provisions set forth below and should refer to the applicable collective bargaining agreement.

Coverage - The City will make available medical insurance coverage to an eligible full-time employee or Elected Official who retires from the City. Coverage is also available for eligible dependents if they were covered under the City's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

Eligibility - The employee or Elected Official must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System.

Plan - The City Council may, at its discretion, change the medical insurance plan at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier.

Premium Payment - The City will pay 60% of the premium cost for individual coverage and 35% of the premium cost for dependent coverage for each eligible retiree.

Changes in Premium Contributions - The amount of the insurance premium a retiree or retiree's spouse is required to contribute is subject to change by resolution of the City Council. The City Council will provide a two-month written notice of such change.

Medicare Part B Reimbursement - The City will reimburse an eligible retiree and the retiree's spouse for the cost of the Medicare Part B premium. Such reimbursement will cease for both the retiree and the retiree's spouse upon the death of the retiree. Reimbursement will also cease for a spouse upon legal separation or divorce. The City Council may, at its discretion and in accordance with plan documents, modify or eliminate this reimbursement for any retiree or retiree's spouse.

808 *Dental Plan*

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Dental Plan provisions set forth below and should refer to the applicable collective bargaining agreement.

Eligibility - The City will make available a dental plan to each full-time employee and Elected Official. A part-time, temporary or seasonal employee is not eligible for this plan.

When Coverage Begins - Coverage will begin on the first day of the month following the completion of one month of employment, provided the employee meets all eligibility requirements of the dental plan. This may be superseded by contract or personnel policy.

Premium Payment - The City will contribute a predetermined amount, as established by the City Council, towards the cost of an individual or family dental plan. The difference in cost between the City's contribution and the total premium cost, if any, will be deducted on a pre-tax basis from the employee's or Elected Official's paycheck.

809 **Continuation of Health Insurance Benefits (COBRA)**

Summary - The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers "qualified beneficiaries" the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue.

Eligibility - An individual is a "qualified beneficiary" if the individual is covered under a group health plan on the day before a qualifying event as either a covered employee or Elected Official, the spouse of a covered employee or Elected Official, or a dependent child of a covered employee or Elected Official. A child who is either born to or who is placed for adoption with the covered employee or Elected Official during a period of COBRA coverage is also a "qualified beneficiary" entitled to COBRA coverage.

Qualifying Events - If a qualified beneficiary loses coverage under a group health plan as a result of a "qualifying event," the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary's own expense and for a limited time as described below. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage. COBRA coverage is in effect for a period of up to eighteen, twenty-nine, or thirty six months, depending upon any of the following qualifying events:

An **eighteen month** continuation will be available to a qualified beneficiary in the event of the covered employee's (or Elected Official's) termination of employment for any reason except gross misconduct, or the covered employee's loss of eligibility to participate due to reduced work hours.

A **twenty-nine month** continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.

A **thirty-six month** continuation will be available to a qualified beneficiary in the event of any one of the following:

- Death of a covered employee or Elected Official;
- Divorce or legal separation from a covered employee or Elected Official;
- A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee or Elected Official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five; or
- A covered dependent ceases to be a "dependent child" under the health insurance plan.

Limitations - In the event an employee or Elected Official becomes covered by Medicare, but no loss of coverage results for the employee or Elected Official or the covered dependents, and a subsequent qualifying event occurs, the duration of coverage for all qualified beneficiaries will be thirty-six months from the date of the termination or reduction in hours. A qualified beneficiary may be covered under multiple qualifying events, but in no case will coverage be continued for more than thirty-six months.

Change in Beneficiary Status - An employee or Elected Official must notify the City within sixty calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The City will not be responsible for any loss of coverage resulting from failure by the employee or Elected Official to give notification of such an event.

Enrollment Information - The Payroll Office will provide the employee or Elected Official with the enrollment forms and assist with the administrative and operational aspects of COBRA. Enrollment is not automatic. The employee or Elected Official must complete the necessary enrollment forms and return all COBRA forms to the Payroll Office within the time indicated. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

810 Section 125 Plan

Summary - The City of Auburn offers eligible employees the opportunity to participate in a City-sponsored Section 125 plan. The benefit of participating in the Section 125 plan is that an employee's contributions to the plan are deducted from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net wages. The options offered under this plan are shown below.

Eligibility - A full-time employee or Elected Official is eligible to participate in this plan. A part-time, temporary or seasonal employee may not participate in this plan.

Pre-Tax Insurance Premiums - An employee may elect to pay the employee portion of the medical insurance premiums with pre-tax dollars.

Flexible Spending Accounts - An employee may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a medical and/or dependent care flexible spending account (FSA). Money set aside in an employee's medical savings account may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s). Money set aside in an employee's dependent care savings account may be used to cover eligible day care and nursery school expenses for covered dependents. To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred must be submitted to the Flex Plan Administrator. Further details regarding this plan may be obtained from the Payroll Office.

811 *Workers' Compensation Benefits*

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

When Coverage Begins - Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

Premium Payment - The City will pay the full premium for Workers' Compensation coverage for each eligible employee.

Reporting of Injury - The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will notify the Payroll Office which will complete and submit the required forms.

Use of Sick Leave Credits - An employee may draw from the employee's sick leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay.

Medical Insurance Coverage - The City will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook. An employee who is not eligible for a leave of absence under that policy may continue medical insurance coverage under the provisions of COBRA (see Section 809).

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Use of Sick Leave Credits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.

812 *Unemployment Benefits*

Coverage - The City will make available unemployment benefits to each employee ruled eligible for benefits under New York State labor law.

813 *Social Security*

Summary - Social Security benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the City.

814 *The New York State Employees' Retirement System*

Summary - The City will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits after five years of creditable public sector service. In the event an employee or Elected Official leaves after five years of service but prior to retirement age, such employee Elected Official may receive a benefit at retirement age related to those years as a public sector employee or Elected Official.

Mandatory Membership - A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the Retirement System. An employee who is appointed to a permanent, full-time position on a probationary basis must join the Retirement System on the effective date of the probationary appointment. Employment is considered full-time unless:

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment for less than one year or employment on less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

Optional Membership - An employee or Elected Official who is not mandated to join may join the Retirement System. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Payroll Office. If the employee or Elected Official elects to join the Retirement System, the employee or Elected Official must complete the application form and return it to the Payroll Office.

Waiver of Enrollment - An employee who is not mandated to join the Retirement System, and who chooses not to join, must complete a waiver of enrollment form.

815 *Police and Fire Retirement System*

Summary - The Police and Fire Retirement System covers all sworn personnel in the Police Department. The City will follow the guidelines according to the tier the employee is in to contribute to the cost associated with this plan. It is mandatory for all full-time and part-time police officers to become members of the Police and Fire Retirement System effective on the first day of employment.

816 *Education Assistance*

Eligible Expenses - The City will pay for the full cost of tuition for up to three credit hours per semester, upon successful completion of a course, (grade C or better) at Cayuga County Community College or other institutions or technical and trade schools approved by the City Manager, not to exceed the tuition rate at Cayuga County Community College, in subjects approved by the City Manager as pertaining or reasonably related to the employee's job.

Employment Commitment - An employee who receives reimbursement for education must sign an agreement to work for the City for at least twelve calendar months and to repay the City in the event the employee were to voluntarily leave employment prior to completing the twelve months.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Education Assistance provision set forth above, and should refer to the applicable collective bargaining agreement.

817 *Employee Assistance Program*

Summary - The City will make available an Employee Assistance Program (EAP) for all employees, Elected Officials, and their family members. This program provides professional counseling and is designed to help employees and their families deal with a variety of problems through consultation on a confidential basis.

How to Access the Program - An employee may either contact the Comptroller's Office or the Employee Assistance Program for further information. The program is administered by the following:

<p style="text-align: center;">Corporate Care Employee Assistance Program (315) 462-0464</p>
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900 COMPLIANCE POLICIES

901 *The Americans with Disabilities Act*

Policy Statement - It is the policy of the City of Auburn to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

Reasonable Accommodation - Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the City and/or operations of a program.

Pre-Employment Inquiries - Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The City of Auburn intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

Notification of Policy Violations - An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager or Corporation Counsel. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

Application of Policy - This policy is for City use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for City administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

902 *Equal Employment Opportunity*

Policy Statement - The City of Auburn is an Equal Opportunity Employer. The City does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, marital status, military or veteran status, arrest/criminal record, genetic predisposition or carrier status, or sexual orientation. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

Notification of Policy Violations - An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager or the Corporation Counsel. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Application of Policy - This policy is for City use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for City administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

903 *Diversity and Fair Treatment*

Policy Statement - The City of Auburn recognizes the uniqueness of each of its employees and the varying cultures, backgrounds, and experiences they bring to the workplace. It is the policy of the City to promote a productive work environment in which all employees are treated with fairness, respect, and dignity. The City will not tolerate harassment or discrimination of any kind in the workplace.

Employee Responsibilities - All employees are expected to treat coworkers, vendors, suppliers, City residents, and any other non-employees that the employee comes in contact with on the job with fairness, dignity, and respect. The City prohibits any form of discrimination, harassment, or other offensive behavior targeted towards an individual based on race, religion, color, sex, age, national origin, marital status, pregnancy, veteran status, arrest/criminal record, disability, genetic predisposition or carrier status, sexual orientation, or any other reason.

Notification of Policy Violations - An employee should immediately report any kind of harassment, discrimination or offensive behavior in the workplace to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported, in writing, to the City Manager or Corporation Counsel. All complaints will be investigated discreetly and promptly. An employee who reports harassment or discrimination in the workplace will not suffer adverse employment consequences as a result of making the complaint.

Disciplinary Action - Any employee who violates this policy will be subject to disciplinary action, up to and including termination, as provided by City operating procedures. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

904 Sexual Harassment

Policy Statement - It is the policy of the City of Auburn to promote a productive work environment. As with discrimination involving race, color, national origin, religion, disability, age, marital status, sexual orientation or military status, the City of Auburn prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated. The City will take all steps - necessary to prevent and stop the occurrence of sexual harassment or any form of harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

Applicability of Policy - This policy applies to all City employees and officials regardless of supervisory level, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the City. Depending on the extent of the City's exercise of control, this policy may be applied to the conduct of non-City employees with respect to sexual harassment of City employees in the workplace.

Definition of Workplace - For the purpose of this policy, the workplace includes all work site locations; social functions sponsored by City both on and off City premises, business meetings, business-related travel, or any location while representing the City.

Supervisory Responsibility – Department Heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.

Definition of Sexual Harassment - The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature to an individual of the same or opposite gender when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; -OR-
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; -OR-
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working - environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Prohibited Conduct - Unprofessional, inappropriate, or offensive conduct committed by a supervisor, coworker, vendor, supplier, visitor, customer, or any other non-employee is prohibited, even if the conduct is welcome by the recipient(s). Prohibited conduct includes, but is not limited to:

- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Unwelcome sexual flirtations, advances, propositions, or demands for sexual favors;
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind, which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- A supervisor threatening or implying that a subordinate's acceptance or refusal of the supervisor's sexual advances will affect the subordinate's terms or conditions of employment (e.g., promotion, demotion, pay increase, termination).

Supervisory Responsibility - A supervisor is responsible for providing a work environment that is free from unsolicited, unwelcome, and intimidating behavior, including behavior of a sexual nature. A supervisor must therefore take immediate and appropriate corrective action in the event the supervisor is a witness to, or becomes aware of, any violations of this policy. The supervisor is also responsible for immediately notifying the City Manager of any policy violations.

Reporting of Sexual Harassment - Employees are encouraged to report incidents of sexual harassment to their Department Head as soon as possible after any such occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the matter with the Department Head, the report should be made directly to the City Manager or Corporation Counsel. The specific details of the complaint must be set forth in written form. Employees who believe they have been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact the Corporation Counsel's Office. Employees who work second and third shifts are encouraged to contact their Department Head, City Manager, or the Corporation Counsel at home if these individuals do not work during the employee's shift.

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

Investigation of Complaint - Generally, investigation of a complaint will be conducted by the Corporation Counsel and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation.

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

Employee Rights - Nothing in this policy should be construed as in any way limiting employees' rights to use the Dispute Resolution Procedure as described in this Employee Handbook or the Grievance Procedure contained in the collective bargaining agreement.

Disciplinary Action - Any employee who is found to have committed an act of sexual harassment will be subject to disciplinary action, up to and including termination of employment, as provided by City operating procedures. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the City is empowered to take such action.

Prohibition Against Retaliation - Intimidation, coercion, threats, reprisal or discrimination against any employee who in good faith brings a written or verbal sexual harassment complaint or who assists or aids in the investigation of such a complaint is prohibited. Any employee who participates in the procedure may do so without fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

905 ***Drug-Free Workplace Policy and Awareness Program***

Policy Statement - It is the policy of the City of Auburn that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

Coverage - The City of Auburn's Drug-Free Workplace Policy pertains to all individuals who are employed by the City of Auburn.

Compliance with Federal Drug-Free Workplace Act - The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the City must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the City hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program.

Prohibited Conduct - No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any job site or workplace, or in a City vehicle, a vehicle leased for City business, or a privately owned vehicle being used for City business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment. Any work-related accident or injury involving a City vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

Use of Prescription and Over-the-Counter Drugs - Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well-being of other individuals in the workplace.

Non-Discrimination Policy - The City of Auburn will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

Employee Assistance - It is the policy of the City to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee's Department Head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

Employee Responsibilities - As a condition of the City receiving Federal grant monies, each employee must abide by this policy and notify the Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

City Responsibilities - The City will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the City will take disciplinary action against the employee and/or require such employee to satisfactorily participate in drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act

Drug-Free Awareness Program - It is the policy of the City of Auburn to maintain a drug free workplace. In accordance with that policy, the City is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace

Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance
 - poor concentration
 - confusion in following directions
 - noticeable change in the quality of work
 - inability to meet deadlines
 - errors in judgment affecting the health and safety of others
 - customer complaints and injuries
2. Increased Costs
 - five times the average sick and accident benefits
 - higher job turnover, replacement and training costs
 - greater workers' compensation and health insurance payments
 - 3 to 5 times more on-the-job accidents
 - unemployment claims
3. Absenteeism and Tardiness
 - double the normal rate
 - repeatedly being late for work and often leaving early
 - extended lunch hours
 - frequent illness and accidents both on and off the job
4. Damaged Relationships
 - emotional outbursts , over-reaction to criticism, mood swings, complaints from coworkers, associates and the public often leading to damaged relations

906 *Controlled Substance and Alcohol Testing*

Statement of Compliance - The City Council has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA). The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

Covered Employees - The City's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate.

Acknowledgment Form - A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

907 *Smoking Policy*

Policy Statement - According to the NYS Legislative and Department of Health Policy 1399-n, 1399-o, 1399-r, 1399-s, as well as the City of Auburn, there shall be "No Smoking" in all City buildings and City vehicles. In addition, there will be "No Smoking" within 30 feet of any City building entrance, exit, and ventilation duct or ventilation system.

"Smoking" means the burning of lighted cigar, cigarette, e-cigarette, pipe or any other matter or substance which contains tobacco.

Policy 1399-v contains penalties that may be imposed in accordance with violation of health laws or regulations; penalties and injunctions.

1000 SAFETY

1001 Workplace Safety

Policy Statement - Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the City to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

Safety Manual - In addition to this policy, the City has adopted a Safety Manual which is on file in the Safety office. Employees are provided a copy of this upon demand.

Employee Responsibility - In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, it is the employee's responsibility to understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

Safety Program - The City's safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible;
- Conducting inspections to find and eliminate unsafe working conditions and practices, control health hazards, and comply with the safety and health standards for every job;
- Training all employees in safety and health practices;
- Providing necessary personal protective equipment and instructions for its use and care;
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment; .
- Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;
- Providing First Aid kits and fire extinguishers throughout buildings and facilities.

Accident Plan - In the event of an accident, an employee must immediately stop work and take the following steps:

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call 911, and
- Take steps to prevent additional accidents.

Workplace Violence – The City of Auburn is committed to the safety and security of our employees. Work place violence presents a serious occupational safety hazard to our agency, staff and clients. Threats, threatening behavior or acts of violence against employees, visitors, guests or other individuals by anyone on City of Auburn's property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements and for assisting in maintaining a safe and secure work environment. The City does acknowledge that certain departments in the workplace are more susceptible to the potential for work place violence such as working for law enforcement, fire/rescue or even the treasures and assessor's offices where there is more contact with the general public, where conflicts may rise.

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

All City of Auburn personnel are responsible for notifying the contact person designed below of any violent incidents, threatening behavior, including threats they have witnessed, received or have been told that another person has witnessed or received, as well as filling out the workplace violence forms that will be forwarded to the proper authorities.

Contact People:

City of Auburn Health and Safety Coordinator
City of Auburn Police Chief

1002 Hazard Communication Program

Statement of Compliance - The City of Auburn is committed to providing a safe and healthy work environment and complies with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions. The City considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

Guidelines - The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** - The City must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** - All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The City will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals** - An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

Safety Data Sheets (SDS) - An employee working with a Hazardous Chemical shall obtain a copy of the Material Safety Data Sheet (MSDS) and a standard chemical reference from the employee's Department Head.

Employee Training - An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Safety Data Sheets.

Personal Protective Equipment (PPE) - Depending on job duties, an employee must routinely wear protective devices, such as gloves and safety glasses, as directed by the supervisor. An employee who is required to wear special safety equipment as directed by the supervisor must comply with the supervisor's request.

Emergency Response – Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's supervisor. The supervisor must insure that proper emergency response actions are taken.

Hazards of Non-Routine Tasks - The Department Head must inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals. Review of safe work procedures and use of required PPE must be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.

1100 COMMUNICATION PROCEDURES

1101 *Bulletin Board*

Summary - Bulletin boards are located throughout City buildings for communicating information to employees. An employee should check the bulletin boards frequently to keep informed on changes in employment matters and other items of interest.

Posting of Material - Except as otherwise provided by the collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1102 *Adverse Correspondence*

Written Communication - An employee who receives a memo, fax message, letter, telegram, legal notice, e-mail, summons, or other form of communication of a negative nature must immediately forward the document to the appropriate Department Head.

Verbal Communication - An employee who receives a verbal complaint from a City resident of unfair treatment or expressions of anger or dissatisfaction must immediately notify the appropriate Department Head, who will in turn immediately notify the City Manager.

1103 *Suggestions*

Policy Statement - Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor or Department Head of any suggestions which may be valuable to the City's productivity and success. All suggestions will be carefully reviewed and implemented if feasible.

1104 *Public Relations*

Policy Statement - The courteous, professional treatment of members of the public by all employees helps to build confidence among the taxpayers we serve. We ask that all employees make every effort to represent the City in a polite and professional manner.

1105 *Media Communications*

Policy Statement - Each department will develop their own communication policy relating to dissemination of information to the media. Each department must have this policy approved by the City Manager prior to its implementation.

1200 DISPUTE RESOLUTION

1201 *Dispute Resolution Procedure*

Policy Statement - The City Manager has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the City Council which will enhance the overall operation of the City. The City will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

Definition of Dispute - For the purpose of this Employee Handbook, a "dispute" will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term "dispute" shall not apply to any matter as to which the City is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that City policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee ;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, sexual orientation, national origin, marital status, disability; or any other protected class ; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits , promotions, retirement, holidays, salary, or seniority.

Step One - An employee who claims to have a dispute may present the dispute to the employee's immediate supervisor. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts , times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee's immediate supervisor will meet with the employee to discuss and attempt to resolve the matter.

Step Two - In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee's immediate supervisor, the employee may submit the matter to the employee's Department Head. The dispute must be submitted, in writing, within seven working days from receiving the Step One response or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The Department Head will forward a copy of the dispute to the City Manager.

Within seven working days after receiving the dispute, the Department Head will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Department Head will issue a written response which will be given to the City Manager and the employee.

Step Three - In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the City Manager. The dispute must be submitted, in writing, within seven working days from receiving the Step Two response, or when the response should have been received.

Within seven working days after receiving the dispute, the City Manager will investigate the matter and issue a written response which will be given to the employee. All decisions rendered by the City Manager will be final and binding.

Time Limits - The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

Final Decisions - Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official City policy.

Proper Use of Dispute Resolution Procedure - Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the City to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Union Employees - An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement to determine if the employee's dispute (grievance) may be subject to the grievance procedure contained in the employee's collective bargaining agreement.

1300 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

<p>CITY OF AUBURN</p> <p>EMPLOYEE HANDBOOK ACKNOWLEDGMENT</p>

I hereby acknowledge that I have received a copy of the City of Auburn Employee Handbook outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the City of Auburn. I further acknowledge that I have read, or will read the contents of the Employee Handbook and will contact my Department Head or the City Manager if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the City Council of the City of Auburn reserves the right to interpret, change or modify any section of the Employee Handbook at any time.

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

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Handbook. I understand that failure to abide by the policies and procedures available in the Employee Handbook may subject me to disciplinary action, up to and including termination.

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the City of Auburn.

Employee name (please print)

Department Head Name (please print)

Employee Signature

Department Head Signature

Date of Signature

Date of Signature