

Stirk Block - circa 1923

Village of *Albion*

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*Incorporated 1828*

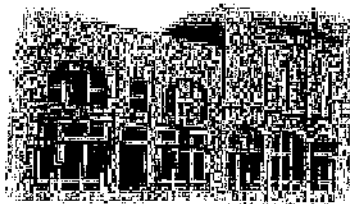
# Employee Handbook





Village of Albion

EMPLOYEE HANDBOOK



Stirk Block - circa 1923  
TID (800) 662-1220

# Village of Albion

New York

Incorporated 1828

Handbook Creation: 12/2020

## Welcome

We would like to welcome you here at the Village of Albion! We are delighted that you have chosen to join our municipality and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope that you become an integral part of the Village of Albion's family.

The Village has been established since 1828. The Village of Albion has a long and rich history. The Staff and administrators strive to keep a family feel throughout the village. We hope that all employees and members of the village strive to treat everyone with respect and dignity.

Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or to contact the Human Resources Department.

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## **Employment at Will**

Employment at THE VILLAGE OF ALBION is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the President of the village.

This means that either the employee or the village may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no village representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. THE VILLAGE OF ALBION employees have the right to engage in or refrain from such activities.

## **Equal Opportunity and Commitment to Diversity**

### **Equal Opportunity**

THE VILLAGE OF ALBION is an Equal Opportunity Employer. We provide for and promote equal opportunity employment, compensation, and other terms and conditions of employment without unlawful discrimination on the basis of age, race, color, creed/religion, disability, national origin, sex/gender, sexual orientation, veteran or military service member status, familial status, marital status, domestic violence victim status, genetic predisposition or carrier status, arrest and/or criminal conviction record, or any other category protected by law, unless based upon a bona fide occupational qualification or other exception. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

THE VILLAGE OF ALBION expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of The Board of Trustees. The Village will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of The Board of Trustees.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- (1) shunning and avoiding an individual who reports harassment, discrimination, or retaliation.
- (2) express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or
- (3) denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

### **Discrimination Based on Reproductive Health Decisions**

New York State Labor Law, is focused on the protection of "reproductive health decision making," defined as "including, but not limited to, the decision to use or access a particular drug, device or medical service." The law prohibits an employer from:

- Accessing an employee's personal information regarding the employee's (or the employee's dependent's) reproductive health decisions, without the employee's prior informed affirmative written consent.
- Discriminating or taking any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or based on the employee's (or the employee's dependent's) reproductive health decisions.
- Requiring an employee to sign a waiver or other document that purports to deny employees the right to make their own reproductive health care decisions.

### **Consequences for Violating the Law**

The law permits an employee to bring a civil action in any court of competent jurisdiction. Remedies available for violations of this law exceed those normally available in other discrimination cases. Those remedies include but are not limited to back pay, benefits, and reasonable attorney fees and costs, as well as injunctive relief and reinstatement against any employer that "commits or proposes to commit" a violation of this law.

Additionally, a court may award liquidated damages "equal to one-hundred percent of the award for damages ... unless the employer proves a good-faith basis to believe that its actions ... were in compliance with the law."

Separately, the law provides for an additional award of civil penalties against any employer that retaliates against an employee for bringing a complaint under the law. Retaliation is defined as "discharging, suspending, demoting or otherwise penalizing" an employee for "making or threatening to make a complaint to an employer, a co-worker, or to a public body" or for "instituting a proceeding ... providing information to or testifying before any public body conducting an investigation, hearing or inquiry into any such violation."

### **Americans with Disabilities Act (ADA) and Reasonable Accommodation**

To ensure equal employment opportunities to qualified individuals with a disability, THE VILLAGE OF ALBION. will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result

Employees who may require a reasonable accommodation should contact the Human Resources Department.

### **Commitment to Diversity**

THE VILLAGE OF ALBION is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in village policy and the way we do business at THE VILLAGE OF ALBION. and is an important principle of sound business management.

### **Sexual Harassment Policy**

The Village of Albion is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of The Village of Albion's, commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with *The Village of Albion*. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

### **Policy:**

*The Village of Albion*. policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with *The Village of Albion*. In the remainder of this document, the term "employees" refers to this collective group.

Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. *The Village of Albion*. will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of *The Village of Albion's*, who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or The Board of Trustees. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject *The Village of Albion*.to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.



*The Village of Albion* will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. *The Village of Albion* will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

All employees are encouraged to report any harassment or behaviors that violate this policy. *The Village of Albion* will provide all employees a complaint form for employees to report harassment and file complaints.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to *The Board of Trustees*.

This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

#### **What Is "Sexual Harassment"?**

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

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

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment.

Such conduct is made either explicitly or implicitly a term or condition of employment; or

Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

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

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

Physical acts of a sexual nature, such as:

Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body.

Rape, sexual battery, molestation or attempts to commit these assaults.

Unwanted sexual advances or propositions, such as:

Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments.

Subtle or obvious pressure for unwelcome sexual activities.

Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Sexual or discriminatory displays or publications anywhere in the workplace, such as:

Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:

Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job.

Sabotaging an individual's work.

Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and

those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

Made a complaint of sexual harassment, either internally or with any anti-discrimination agency.

Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law.

Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment.

Reported that another employee has been sexually harassed; or

Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.

However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. *The Village of Albion*, cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to *The Board of Trustees*. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such in the same manner as previously stated.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to *The Board of Trustees*.

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

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

### **Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. *The Village of Albion* will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

Upon receipt of complaint, the receiver of the complaint will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual

to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.

Request and review all relevant documents, including all electronic communications.

Interview all parties involved, including any relevant witnesses.

Create a written documentation of the investigation (such as a letter, memo, or email), which contains the following:

A list of all documents reviewed, along with a detailed summary of relevant documents.

A list of names of those interviewed, along with a detailed summary of their statements.

A timeline of events.

A summary of prior relevant incidents, reported or unreported; and

The basis for the decision and final resolution of the complaint, together with any corrective action(s).

Keep the written documentation and associated documents in a secure and confidential location.

Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by *The Village of Albion's*, but is also prohibited by state, federal, and, where applicable, local law.

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

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

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the

Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

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

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

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

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

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

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

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

### **Local Protections**

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

### **Contact the Local Police Department**

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

### **Conflicts of Interest and Confidentiality**

#### **Conflicts of Interest**

THE VILLAGE OF ALBION. expects all employees to conduct themselves and village business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. THE VILLAGE OF ALBION. recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the village.

It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activity that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Carrying on village business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.
2. Holding a substantial interest in, or participating in the management of, a firm to which the village makes sales or from which it makes purchases.
3. Borrowing money from customers or firms, other than recognized loan institutions, from which our village buys services, materials, equipment, or supplies.
4. Accepting substantial gifts or excessive entertainment from an outside organization or agency.

5. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the village.
6. Participating in civic or professional organization activities in a manner that divulges confidential village information.
7. Misusing privileged information or revealing confidential data to outsiders.
8. Using one's position in the village or knowledge of its affairs for personal gains.
9. Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, or other laws regulating the conduct of village business.

### **Confidential Information**

The protection of confidential business information and trade secrets is vital to the interests and success of THE VILLAGE OF ALBION'S. Confidential information is all information disclosed to or known by you because of employment with the village that is not generally known to people outside the village about its business.

An employee who improperly uses or discloses trade secrets or confidential business information will be subject to disciplinary action up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information.

All inquiries from the media must be referred to The Board of Trustees.

This provision is not intended to, and should not be interpreted to, prohibit employees from discussing wages and other terms and conditions of employment if they so choose.

### **HIPAA Compliance/NYS Shield Compliance**

#### **Objective**

The Village of Albion. has adopted a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by village representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs.

#### **Protected Health Information Defined**

PHI refers to individually identifiable health information received by the village's group health plans or received by a health care provider, health plan or health care clearinghouse that relates to the past or present health of an individual or to payment of health care claims. PHI information includes medical conditions, health status, claims experience, medical histories, physical examinations, genetic information, and evidence of disability.



### **The HIPAA Compliance Officer**

The village has designated The Board of Trustees as the HIPAA compliance officer (HCO), and any questions or issues regarding PHI should be presented to the HCO for resolution. The HCO is also charged with the responsibility for:

#### **Issuing procedural guidelines for access for PHI.**

Developing a matrix for personnel who will need access to PHI.

Developing guidelines for describing how and when PHI will be maintained, used, transferred, or transmitted.

#### **Annual Activities Necessitating Use of PHI**

Annually or more frequently as necessary, The Village of Albion, may perform enrollment, changes in enrollment and payroll deductions; helps in claims problem resolution and explanation of benefits issues; and assists in coordination of benefits with other providers. Some or all these activities may require the use or transmission of PHI. Thus, all information related to these processes will be maintained in confidence, and employees will not disclose PHI from these processes for employment-related actions, except as provided by administrative procedures approved by the HCO. General rules follow:

#### **Disclosures that do not qualify as PHI-protected disclosures include:**

Disclosure of PHI to the individual to whom the PHI belongs.

Requests by providers for treatment or payment.

Disclosures requested to be made to authorized parties by the individual PHI holder.

Disclosures to government agencies for reporting or enforcement purposes.

Disclosures to workers' compensation providers and those authorized by the workers' compensation providers.

Information regarding whether an individual is covered by a plan for claims processing purposes may be disclosed.

Information external to the health plan is not considered PHI if the information is being furnished for claims processing purposes involving workers' compensation or short- or long-term disability and medical information received to verify Americans with Disabilities Act (ADA) or Family and Medical Leave Act (FMLA) status.

## **Records Retention**

Personnel records and disclosures of PHI will be maintained for a period of six years as required by federal law unless a state law requires a longer retention period. Records that have been maintained for the maximum interval will be destroyed in a manner to ensure that such data are not compromised in the future in accordance with the village record destruction policy.

## **NYS Shield Compliance**

The Village of Albion. complies with the NYS shield act as we are HIPAA Compliant. We also do not release our client's emails, credit card information or any financially or health identifiable information. We do not store any bank, debit, credit, or any source of payment material for our clients in our system. We make sure all our computers have up to date Antivirus and firewalls to protect our information to the best of our ability.

## **Employment Relationship**

### **Employment Classification**

To determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, THE VILLAGE OF ALBION. classifies its employees as shown below. THE VILLAGE OF ALBION. may review or change employee classifications at any time.

Exempt. Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

Nonexempt. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Regular, Full-Time. Employees who work a minimum of 30 hours weekly and maintain continuous employment status.

Regular, Part-Time. Employees regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status.

Per Diem/On Call- Employees with no set schedule or hours. May be called in for jobs as needed but will not earn benefits of any kind short of Workers Comp.

### **Work Week and Hours of Work**

The standard workweek generally consists of 40 work hours. Office hours are 9:00 a.m. to 4:00 p.m., with a 30-minute lunch break. Individual work schedules may vary depending on the needs of each department.

### **Meal and Rest Breaks**

Any employee who works at least 6 hours in a day is entitled to a 30-minute unpaid meal break each day. If a nonexempt employee is required to work through a meal break, he or she will be paid for the

30-minute period. Employees are also entitled to two 15-minute rest periods each day. Meal and rest breaks will be scheduled by the department supervisor or manager.

### **Time Records**

#### **Timecard Procedures**

Our payroll system is a Virtual system. We use Complete Payroll and the services they provide. All nonexempt employees are required to complete accurate weekly time reports showing all time worked. These records are required by governmental regulations and are used to calculate regular and overtime pay. Employees will make sure that all Virtual punches and or Timecards are completed and turned into the office no later than 9:00 am on Monday of the following week.

#### **Overtime**

When required due to the needs of the business, you may be asked to work overtime. Overtime is actual hours worked more than 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one half their regular rate of pay for all hours over 40 worked in a single workweek. Paid leave, such as holiday, PTO, bereavement time, and jury duty does not apply toward work time. All overtime work must be approved in advance by a supervisor or manager.

#### **Deductions from Pay/Safe Harbor Exempt Employees**

The Village does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Permitted deductions. The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes.
- Deductions for employee benefits when authorized by the employee.
- Absence from work for one or more full days for personal reasons other than sickness or disability.
- Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness.
- Offset for amounts received as witness or jury fees, or for military pay; or
- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

During the week, an exempt employee begins work for the village or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

Improper deductions. If an employee classified as exempt believes that an improper deduction has been taken from his or her pay, the employee should immediately report the deduction to the Human Resources Department. The report will be promptly investigated and if it is found that an improper deduction has been made, the village will reimburse the employee for the improper deduction.

### **Paychecks**

The Village of Albion. pay periods for all employees is Weekly on Friday. Work hours for are typically a normal 8-5 Monday Through Friday shift. Those hours may vary if you work for one of the unionized departments. If pay day falls on a federal holiday, employees will receive their paycheck on the preceding workday. Paychecks are directly deposited into your checking and/or savings accounts.

### **Access to Personnel Files**

Employee files are maintained by the Human Resources department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel file access by current employees and former employees upon request will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Human Resources department. Employee files may not be taken outside the department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

### **Separation from Employment**

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisors at least 10 working days in advance of the last day of work. The 10 days must be actual working days. Holidays and paid time off (PTO) will not be counted toward the 10-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire.

In most cases, Human Resources will conduct an exit meeting on or before the last day of employment to collect all village property, and to discuss final pay. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Should it become necessary because of business conditions to reduce the number of employees or work hours, this will be done at the discretion of the village.

## **Workplace Safety**

### **Drug-Free and Alcohol-Free Workplace**

It is the policy of THE VILLAGE OF ALBION to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the village.

The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug and/or the misuse of legal drugs while on village or client premises or while performing services for the village is strictly prohibited. THE VILLAGE OF ALBION. also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, THE VILLAGE OF ALBION. prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the Village's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations

**Pre-employment:** As required by the village for all prospective employees who receive a conditional offer of employment

**For Cause:** Upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or has adversely affected the employee's job performance.

**Random:** As authorized or required by federal or state law.

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will always be enforced in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

### **Smoke-Free Workplace**

Smoking is not allowed in village buildings or work areas at any time. "Smoking" includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

### **Workplace Violence Prevention**

THE VILLAGE OF ALBION is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will

not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at village-sponsored functions.

All Village employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or the Human Resources Department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline because of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the village, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

THE VILLAGE OF ALBION always prohibit the possession of weapons on its property, including our parking lots or village vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The village reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on village property. In addition, THE VILLAGE OF ALBION may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all Village property and other items that are in violation of Village rules and policies.

### **Commitment to Safety**

Protecting the safety of our employees and visitors is the most important aspect of running our business.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

In the event of an emergency, notify the appropriate emergency personnel by dialing 9 for an outside line, then dial 911 to activate the medical emergency services.

### **Emergency Closings**

THE VILLAGE OF ALBION will always make every attempt to be open for business. In situations in which some employees are concerned about their safety, management may advise supervisors to notify their

departments that the office is not officially closed, but anyone may choose to leave the office if he or she feels uncomfortable.

If the office is officially closed during the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If you leave earlier than the official closing time, you will be paid only for actual hours worked, or you can take PTO time. Exempt employees will be paid for a normal full day but are expected to complete their work at another time.

## **Workplace Guidelines**

### **Attendance**

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor at least 2 hours prior to the start of their shift. Voice mail and e-mail messages are not acceptable except in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, the employee will be considered to have voluntarily resigned employment.

### **Job Performance**

Communication between employees and supervisors or managers is important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

Generally, formal performance reviews are conducted annually. These reviews include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year.

### **Outside Employment**

Employees are permitted to work a second job if it does not interfere with their job performance with THE VILLAGE OF ALBION. Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action, up to and including termination.

### **Dress and Grooming**

THE VILLAGE OF ALBION has the expectations that village employees will dress in an appropriate manner. Village employees should wear Professional to Business Casual clothing. Any clothing with rips, tears (designed or not), vulgar writing or wording on clothes are strictly prohibited.

## **Social Media Acceptable Use**

THE VILLAGE OF ALBION encourages employees to share information with co-workers and with those outside the village for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the village has established the following guidelines for employee participation in social media.

*Note:* As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, Tick Tock and Snap Chat, among others.

**Off-duty use of social media.** Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the village considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas.

**On-duty use of social media.** Employees may engage in social media activity during work time provided it is related to their work, approved by their manager, and does not identify or reference village clients, customers, or vendors without express written permission. The village monitors employee use of village computers and the Internet, including employee blogging and social networking activity.

**Respect.** Demonstrate respect for the dignity of the village, its owners, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge THE VILLAGE OF ALBION confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

**Post disclaimers.** If an employee identifies himself or herself as a village employee or discusses matters related to the village on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of the village and that the employee is expressing only his or her personal views. For example: “The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the village or the village’s business. Employees must keep in mind that if they post information on a social media site that is in violation of village policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

**Competition.** Employees should not use a social media to criticize the village’s competition and should not use it to compete with the village.

**Confidentiality.** Do not identify or reference village clients, customers, or vendors without express written permission. Employees may write about their jobs in general but may not disclose any



confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

**New ideas.** Please remember that new ideas related to work, or the village's business belong to the village. Do not post them on a social media site without the village's written permission.

**Links.** Employees may provide a link from a social media site to the village's website during employment (subject to discontinuance at the village's sole discretion). Employees should contact the Web design group to obtain the graphic for links to the village's site and to register the site with Automation Warrior.

**Trademarks and copyrights.** Do not use the village's or others' trademarks on a social media site or reproduce the village's or others' material without first obtaining written permission.

**Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

*Note:* Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

### **Bulletin Boards**

All required governmental postings are posted on the boards located in the break room. These boards may also contain general announcements.

Employees may submit to Human Resources notices of general interest, such as for-sale notices; recreational-type announcements and/or club functions (e-mail should not be used for the aforementioned); postcards; expressions of gratitude or sympathy; and notices looking for/offering carpools, tickets, roommates, or pets. Human Resources approves, posts, and takes down all notices. All notices posted by employees will be removed after 2 weeks unless otherwise stipulated. The village reserves the right to refuse permission to post or to take down any announcement.

### **Solicitation**

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

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, always, in "working areas," which includes all office areas. "Working

areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Nonemployees may not trespass or solicit or distribute materials anywhere on village property at any time.

### **Computers, Internet, Email, and Other Resources**

The village provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voice mail, fax, scanner, Internet, intranet, e-mail, text messaging, or any other village-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of village computer, phone, or other communication tools. All communications made using village-provided equipment or services including email and internet activity, are subject to inspection by the village. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the village’s systems.

Employee use of village-provided communication systems, including personal e-mail and internet use, that are not job-related have the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the village’s systems as well as the reputation and/or competitiveness of the village. To protect against possible problems, delete any e-mail messages prior to opening that are received from unknown senders and advertisers. It also is against village policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on village computers. Violations of this policy may result in termination for a first offense.

The village encourages employees to use e-mail only to communicate with fellow employees, suppliers, customers, or potential customers regarding village business. Internal and external e-mails are considered business records and may be subject to federal and state recordkeeping requirements as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the village.

All use of village-provided communications systems, including e-mail and internet use, should conform to our village guidelines/policies, including but not limited to the Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. So, for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Similarly, employees should not divulge confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites.

Because e-mail, telephone and voice mail, and internet communication equipment are provided for village business purposes and are critical to the village's success, your communications may be accessed without further notice by Information Technology department administrators (Including Contractors) and village management to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Office telephones are for business purposes. While the village recognizes that some personal calls are necessary, these should be kept as brief as possible and to a minimum. Personal use of the village's cell phones, long-distance account, or toll-free numbers is strictly prohibited. Abuse of these privileges is subject to corrective action up to and including termination.

The village reserves the right to monitor customer calls to ensure employees abide by village quality guidelines and provide appropriate levels of customer service. Employees working in sales and customer service will be subject to telephone monitoring and e-mail. Should the subject matter of any telephone conversation become personal while monitoring is taking place, monitoring of the call will immediately be discontinued.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the National Labor Relations Act. Employees have the right to engage in or refrain from such activities.

### **Disciplinary Procedure**

The Village expects employees to comply with the Village's standards of behavior and performance and to correct any noncompliance with these standards.

Under normal circumstances, the Village endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the Village's right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

**Step 1: Informal Discussion.** When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

**Step 2: Counseling.** If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the

problem will result in further disciplinary action which may include discharge, and (e) issue a counseling notice to the employee.

Step 3: Reprimand. If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and proceed via (a) through (d) above and issue a reprimand notice to the employee.

Step 4: Suspension. Supervisors have the authority to temporarily remove employees from the workplace, with or without pay, if approved in advance by the department director and the director of Human Resources. An exempt employee generally may not be suspended without pay for less than a full day, and the suspension must be related to written workplace conduct rules applicable to all employees, e.g., such as a written policy prohibiting sexual harassment or workplace violence.

Step 5: Failure to improve. Failure to improve performance or behavior after the written warning or suspension can result in termination.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the supervisor should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

## **Time Off and Leaves of Absence**

### **Holidays**

The village observes and allows time off with pay for Managers and without pay for non-management staff the following holidays:

New Year's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Day after Christmas

Christmas Day

Martin Luther King Day

President's Day

Employee's Birthday

Any additional holidays will be designated by the village at start of each calendar year.

If one of these holidays falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, the village will select either the following Monday or the preceding Friday as a substitute holiday. The village reserves the right to pay eligible employees in lieu of time off if the holiday falls on Saturday. Employees who qualify for the Paid Holiday must work the day before and the day after in offices are open unless they have preapproved PTO.

Religious observances. Employees who need time off to observe religious practices or holidays not already scheduled by the village should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, or take vacation time, or take off unpaid days. The village will seek to reasonably accommodate individuals' religious observances.

### Vacation

**This information changes based on which handbook we are using. I will use that information to plug into each handbook before print for your approval**

### **Sick Days:**

- the need for diagnosis, care, or treatment of a mental or physical illness or preventative care of the employee or the employee's family member; and
- certain needs related to the employee or the employee's family member being the victim of domestic violence, sexual offenses, stalking, or human trafficking, including obtaining services from a domestic violence shelter, rape crisis center, or other services program; participating in safety planning; temporarily or permanently relocating; meeting with an attorney or participating in legal proceedings; enrolling children in a new school; or taking other actions to increase the safety of the employee or employee's family members

For purposes of this leave, a "family member" includes an employee's child (including foster child, legal ward, or equivalent legal relationship), spouse, domestic partner, parent (including a step- or foster parent, legal guardian, or equivalent legal relationship), sibling, grandchild, grandparent, and the child or parent of an employee's spouse or domestic partner.

Employees may carry accrued sick hours over from one year to the next. The maximum accrual allowed for employees is 40 hours. An employee will accrue one hour of sick paid time for every 30 hours that they work to a maximum of 40 hours.

If the need for sick leave is foreseeable, employees are required to give at least 30 days' advance notice (e.g., a planned medical treatment) whenever possible. If the need for sick leave is not foreseeable, employees are asked to notify their supervisor as soon as is practical.

If an employee misses 3 or more consecutive days because of illness, The Village of Albion. may require the employee to provide a physician's written permission to return to work. If an employee is out sick due to a Contagious Disease, please follow the policy dedicated to that

### **Infectious Disease Control Policy**

The Village of Albion. will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of The Village of Albion. during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

The Village of Albion. is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

### ***Preventing the Spread of Infection in the Workplace***

The Village of Albion. will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door handles and railings. A committee will be designated to monitor and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety through infection control.

The Village of Albion is aware of how to use all required PPE in the workplace. Both Clients and staff will be provided with Proper masks. Staff will wear all needed PPE to stay safe in the workplace. The Village of Albion. will act in Good Faith to keep all staff and client's safe, by adhering to all state requirements as requested.

We ask all employees and clients to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth with your elbow whenever you sneeze or cough; and

discarding used tissues in wastebaskets. We will also install alcohol-based hand sanitizers throughout the workplace and in common areas.

Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare should schools close and/or speak with supervisors about the potential to work from home temporarily or on an alternative work schedule.

If a client/vendor/village resident is presenting with any illness, we ask that they contact us as soon as possible via phone. We strongly request that clients do not come into the village offices if presenting with fever, cough, runny nose, or any other symptom that could mirror a cold. We ask that appointments are not made within 14 days of returning from an outside country or any area that is currently dealing with an infectious disease. We believe this will assist in keeping the staff and our clients healthy and safe.

### ***Seeing Clients/Vendors/Village residents during an outbreak***

During an outbreak, the party coming to the offices for business will call the front desk. No more than two clients can be in the waiting room at one time. We ask that additional Clients wait in their vehicles until they are ready to be brought back for service. We will sanitize every piece of equipment that the Client will use or touch during their meeting. Upon completion of services, we will sanitize all equipment again before the next Client is brought back for service.

### ***Limiting Travel***

All nonessential travel should be avoided until further notice. Employees who travel as an essential part of their job should consult with management on appropriate actions. Business-related travel outside the United States will not be authorized until further notice.

Employees should avoid crowded public transportation when possible. Alternative scheduling options, ride-share resources and/or parking assistance will be provided on a case-by-case basis. Contact human resources for more information.

If you must take public transportation, please do your best to adhere to maximum distancing allowed along with wearing a mask that covers both your nose and mouth.

### ***Staying Home When Ill***

Many times, with the best of intentions, employees report to work even though they feel ill. We provide paid sick time and other benefits to compensate employees who are unable to work due to illness.

During an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing the following symptoms: [Examples include fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills, and fatigue]. Currently, the Centers for Disease Control and

Prevention recommends that people with an infectious illness such as the flu remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home in accordance with these health guidelines.

### ***Requests for Medical Information and/or Documentation***

If you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we would request medical information to confirm your need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for you to return to work. As always, we expect and appreciate your cooperation when medical information is sought.

### ***Confidentiality of Medical Information***

Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.

### ***Social Distancing Guidelines for Workplace Infectious Disease Outbreaks***

In the event of an infectious disease outbreak, The Village of Albion. may implement these social distancing guidelines to minimize the spread of the disease among the staff.

#### ***During the workday, employees are requested to:***

1. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail, or instant messaging to conduct business as much as possible, even when participants are in the same building.
2. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room, and sit at least one yard from each other if possible; avoid person-to-person contact such as shaking hands.
3. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops, and training sessions.
4. Do not congregate in work rooms, pantries, copier rooms or other areas where people socialize.
5. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).
6. Encourage members and others to request information and orders via phone and e-mail to minimize person-to-person contact. Have the orders, materials, and information ready for fast pick-up or delivery.

### ***Outside activities***

#### **Employees might be encouraged to the extent possible to:**



1. Avoid public transportation (walk, cycle, drive a car) or go early or late to avoid rush-hour crowding on public transportation.
2. Avoid recreational or other leisure classes, meetings, activities, etc., where employees might meet with contagious people.

### **Family and Medical Leave**

The Village of Albion complies with the federal Family and Medical Leave Act (FMLA), which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The village also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws. As we are an employer with less than 50 employees, we do not currently offer FMLA leave.

**Paid Family Leave:** The Village of Albion does comply with the NYS mandated Paid Family Leave requirements. New York Paid Family Leave provides job-protected, paid time off so you can: Bond with a newly born, adopted or fostered child, Care for a close relative with a serious health condition, or Assist with family situations when a family member is deployed abroad on active military service. You can continue your health insurance while on leave and are guaranteed the same or comparable job after your leave ends. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on Paid Family Leave. Benefits -- Time Paid Family Leave benefits phase in over four years, providing up to eight weeks of leave for employees who started Paid Family Leave in 2018; 10 weeks for leave in 2019 and 2020, and 12 weeks in 2021. Leave can be taken either all at once or intermittently but must be taken in full-day increments. You may take the maximum time-off benefit in any given 52-week period. Benefits -- Pay Paid Family Leave pay benefits also phase in over the same four-year period. Benefits are a percentage of your average weekly wage, capped at that same percentage of the New York State Average Weekly Wage, as calculated annually by New York State Department of Labor. These benefits are 60% of your average weekly wage for Paid Family Leave in 2020 and 67% in 2021. EXAMPLE 1: An employee who earns \$1,000 a week in 2020 would receive a benefit of \$600 a week (60% of \$1,000). In 2021, that employee would receive a benefit of \$670 a week (67% of \$1000). EXAMPLE 2: An employee who earns \$2,000 a week in 2020 would receive a benefit of \$840.70. This employee's benefit is capped at 60% of New York State's Average Weekly Wage, currently \$1,401.17, which equals \$840.70.

### **Paid Family Leave Requirements and Breakdown**

**Eligibility:** All eligible employees are entitled to participate in Paid Family Leave.

**Full-time employees:** Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.

**Part-time employees:** Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive. Employees are eligible regardless of citizenship and/or immigration status.

Funding Paid Family Leave is funded through employee payroll contributions that are set each year to match the cost of coverage. The rate of employee contributions is reviewed annually and is subject to change by New York State Department of Financial Services.

### **Qualifying Events**

**New Child:** You can take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. Expectant mothers cannot take Paid Family Leave for their own pregnancy. Paid Family Leave for the birth of a child begins after the birth. It is not available for prenatal conditions.

**Serious Illness:** You can take Paid Family leave to care for a close relative with a serious health condition. These relatives can live outside of New York State and even outside the country. You cannot take Paid Family Leave for your own health condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves: In Client care in a hospital, hospice, or residential health care facility, or Continuing treatment or continuing supervision by a health care provider.

Close relative includes: Spouse Domestic partner Child and stepchild Parent and stepparent Parent-in-law Grandparent, and Grandchild.

**Military Active Service Deployment:** You can take Paid Family Leave to assist with family situations arising when your spouse, domestic partner, child, or parent is deployed abroad on active military service or has been notified of an impending military deployment abroad. You cannot use Paid Family Leave for your own qualifying military event.

**Your Rights and Protections:** You have job protection, ensuring you can return to the same job (or a comparable one) when you return from Paid Family Leave. You can keep your health insurance while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave. Your employer is prohibited from discriminating or retaliating against you for requesting or taking Paid Family Leave. You do not have to take all your sick and/or vacation time before using Paid Family Leave.

### **Taking Paid Family Leave**

Notify your employer. When you want to take Paid Family Leave, you must notify your employer at least 30 days before your leave will start if it is foreseeable. Otherwise, notify your employer as soon as possible.

Obtain required forms. Contact your employer, employer's insurance carrier to get the needed forms.

Complete and attach: The Request for Paid Family Leave (Form PFL-1) has sections that need to be completed by you and by your employer. Fill out your section, make a copy and give the form to your employer to fill out Part B. Your employer is required to return Form PFL-1 to you within three business days. If there is a delay, you do not have to wait to proceed. Send the Form PFL-1 that you have filled out, along with the rest of your request package, directly to your employer's insurance carrier.

Obtain and attach supporting documentation: The specific documentation or additional forms required for each type of leave are described on the request for Paid Family Leave and at [PaidFamilyLeave.ny.gov/](http://PaidFamilyLeave.ny.gov/)

Apply: Submit your request forms and supporting documentation. You must submit your completed request package to your employer's insurance carrier within 30 days after the start of your leave to avoid losing benefits. In most cases, the insurance carrier must pay or deny benefits within 18 calendar days of receiving your completed request or your first day of leave, whichever is later. If you need to apply for Paid Family Leave, contact your HR Manager or dedicated benefits, contact.

### **Discrimination Complaints**

Employees are protected from discrimination and retaliation for requesting or taking Paid Family Leave. If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, send your employer's designated Paid Family Leave contact a formal request for job reinstatement using the Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119), which can be found in the forms section of [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov). File the completed form with your employer and send a copy to: Paid Family Leave, P. O. Box 9030, Endicott, NY 13761-9030 If your employer fails to comply with the request for reinstatement within 30 days, you may file a Paid Family Leave discrimination complaint with the Workers' Compensation Board using Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the Paid Family Leave website. Once your complaint is received, the Board will assemble your case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

### **Military Leave**

THE VILLAGE OF ALBION supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the Human Resources department and his or her supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

### **Bereavement Leave**

Employees with more than 3 months' service may take up to 3 days of paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an

employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild. All regular, full-time employees may take up to one (1) day off with pay to attend the funeral of an extended family member (aunts, uncles, and cousins).

The village may require verification of the need for the leave. The employee's supervisor and Human Resources will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of 8 hours for 1 day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

### **Jury Duty/Court Appearance**

The village supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Exempt employees are subject to the same 2-week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they perform work. All employees may use any accrued time off if required to serve more than 2 weeks on a jury.

If an employee is released from jury duty after 4 hours or less of service, he or she must report to work for the remainder of that workday.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, personal days or vacation days will be used for this purpose.

### **Time Off for Voting**

THE VILLAGE OF ALBION recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this will not be the case, contact your supervisor to discuss scheduling accommodations.

### **Employee Benefits**

#### **Workers' Compensation**

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

THE VILLAGE OF ALBION pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The village abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and Human Resources immediately. The supervisor will complete an injury report with input from the employee and return the form to the Human Resources department. Human Resources will file the claim with the insurance village. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the village's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

#### **EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT**

I hereby acknowledge receipt of the employee handbook of THE VILLAGE OF ALBION'S. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. Neither it, village practices, nor other communications create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the village to employ me now or hereafter and that my employment may be terminated by me or the village without reason at any time. I understand that no representative of the village has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the president of the village may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the president of the village.

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**Employee's Name in Print**

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**Signature of Employee**

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**Date Signed by Employee**

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

**Receipt of Harassment Policy**

**I have read and I understand the Village's Harassment Policy.**

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**Employee's Name in Print**

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**Signature of Employee**

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**Date Signed by Employee**

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**



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