

**CITY OF
SCHENECTADY**

EMPLOYEE HANDBOOK

Adopted By Resolution of the City Council on January 25th, 2016.

City of Schenectady Employee Handbook

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100 INTRODUCTION

101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the City of Schenectady. 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 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.

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 Schenectady rewarding both personally and professionally.

102 *A Message from Our Unions*

This Employee Handbook has been developed by the City of Schenectady to assist you in getting acquainted with your employment with the City. A cooperative labor-management relationship not only lends to a positive work environment but also helps ensure fair treatment in the workplace.

For union members, the collective bargaining agreement governs the terms and conditions of employment. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative. Where that Agreement and this Handbook conflict, the Agreement controls. However, in certain instances where the Handbook covers an issue that is not the subject of bargaining, this Handbook controls. We have made every effort to acknowledge these situations. If you have any questions, you should contact your Department Head or union representative.

We hope that your career with the City of Schenectady will be an enjoyable experience.

103 *Our Heritage*

Schenectady was first settled in 1661 when the area was part of the Dutch colony of New Netherland. Settlement was led by Arent Van Curler of Nijkerk in the Netherlands, who was granted letters patent to Schenectady in 1684.

In 1765, Schenectady was incorporated as a borough. It was chartered as a city in 1798.

Union College, located adjacent to the GE Realty Plot, is the oldest planned college campus in the United States. The college was founded in 1795. The Union campus features Jackson's Garden, with eight acres of formal gardens and woodlands, and the unique 16-sided Nott Memorial building, built in 1875.

In 1887, Thomas Edison moved his Edison Machine Works to Schenectady. In 1892, Schenectady became the headquarters of the General Electric Company.

Schenectady is home to WGY-AM, one of the first commercial radio stations in the United States. The station was named after its owner, General Electric (the G), and the city of Schenectady (the Y). General Electric also generated the first regular television broadcasts in the United States in 1928, when experimental station W2XB began regular broadcasts on Tuesday, Thursday and Friday afternoons. This television station is now WRGB, for years, the Capital District's NBC affiliate, but more recently, its CBS affiliate.

The city was once known as "The City that Lights and Hauls the World"--a dual reference to two prominent businesses located in the city, the Edison Electric Company (now known as General Electric), and the American Locomotive Company (ALCO).

Schenectady County Community College is located in downtown Schenectady and was established in 1967. The school was started in the former Hotel Van Curler and is known for its technical, culinary, and music programs.

The United States Census Bureau claims that the city is 11.0 square miles in area.

Historic population of Schenectady: 13,655 in 1880; 31,682 in 1900; 92,061 in 1950; 61,821 in 2000; and 66,175 in the 2010 census.

104 Definitions

City of Schenectady – For purposes of this Employee Handbook, the City of Schenectady 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 Schenectady.

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 Schenectady:

- Mayor
- City Council Members

Mayor – For purposes of this Employee Handbook, “Mayor” will mean the Mayor of the City of Schenectady. When referenced in this Employee Handbook, Mayor shall also mean an individual acting with the Mayor’s properly designated authority.

Department Head – For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, bureau, unit, or subdivision of the City of Schenectady. 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. This term may also include the Mayor, where an individual otherwise designated as Department Head or any other individual must report to the Mayor.

Supervisor – For purposes of this Employee Handbook, “supervisor” will mean the individual so designated 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 Schenectady County Civil Service Rules.

105 ***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, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, City Law, collective bargaining agreement, or any other applicable law, rule, or regulation. The provisions and policies contained in this Employee Handbook are intended to supersede any and all prior manuals, guidelines or related policies issued by the City of Schenectady.

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 or administrative proceeding.

Previous Employee Handbook – Unless otherwise specified, this Employee Handbook supersedes and replaces any previous employee handbook and personnel policies issued by the City concerning all policies contained herein.

Superseding Agreements – In the event an expressed and explicit provision set forth in a separate written agreement between the City and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Collective Bargaining Agreements – In the event a provision set forth in a collective bargaining agreement between the City of Schenectady and an employee organization as defined by the Public Employees’ Fair Employment Act (Taylor Law), or a binding past practice should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the provision of the collective bargaining agreement or past practice will control.

Police and Fire Departments – For the purposes of some of the policies stated in this Employee Handbook, the Schenectady Police Department and Fire Department have the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by those Departments, the latter shall supersede.

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

106 ***Changes or Modifications***

Rights of the City Council – The City Council reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

Governmental Actions – This Employee Handbook is subject 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. (This is not meant to be a comprehensive list).

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

200 EMPLOYEE CLASSIFICATIONS

For purposes of this Employee Handbook, the following terms shall be defined as indicated. 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 or forty 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 less than thirty-five or forty hours per week.

203 *Temporary Employees*

For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call 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).

206 *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 Schenectady County Civil Service Rules 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, as well as any others who fall into that category per Civil Service Law.

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 Schenectady County Civil Service Rules will include all City employees who are subject to the Schenectady County Civil Service Rules. 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 Schenectady County Civil Service Department of persons who have taken the appropriate Civil Service examination. The Schenectady County Civil Service Department 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 veterans credits on a Civil Service examination. An employee who is a veteran should contact the Schenectady County Civil Service Department 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, which 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.

Upon original appointment or upon a new appointment following an interruption of continuous service, each employee (other than an employee in the labor class) must take an oath or alternate affirmation as set forth in Civil Service Law Section 62.

Filing of Oath – The Oath of Office is filed in the employee's personnel folder located in the City Clerk's Office within thirty calendar days of the Public Officer's commencement of the term of office, or upon an employee's appointment.

402 *Procedure for Filling Vacancies*

Statement of Compliance – The City of Schenectady 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, Schenectady City Charter, 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 exclusion of the individual from further consideration for employment, disqualification, or termination 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.

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 Schenectady County Civil Service Rules, an employee appointed from an open-competitive list must serve a probationary period of not less than eight weeks nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the Schenectady County Civil Service Rules.

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

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 New Employee Orientation

Procedure – The purpose of this orientation is to welcome new employees and to familiarize them with the City and their job. The orientation process generally consists of, but is not limited to, a tour of the employee's assigned worksite, distribution and review of this employee handbook, and enrollment in benefit plans, if applicable. In addition, the employee's Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the job description and performance requirements of the position.

405 **Corrective Action and Discipline**

Policy Statement – It is the policy of the City of Schenectady 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 Schenectady'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 time frame 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(s) 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 employee and any witnesses or other involved parties, and review of documents and 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.

During the investigation process, a union employee 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 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, wherein the negotiated procedure is the only method of resolving challenges to disciplinary action and wholly replaces the provisions of Civil Service Law Sections 75 and 76 or wherein the negotiated procedure modifies Civil Service Law Sections 75 and 76.

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 only and does not limit the City's right to impose discipline in other appropriate cases.

- Willful violation of City's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against any person, whether on or off City premises.
- Engaging in any action that is in violation of the City's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on City property or in City vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on City property or in City vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of City property or the property of any person.
- Theft or unauthorized possession, use, or removal of City property or the property of any person.
- Making false statements about another employee, Elected Official, resident of the City, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of City policy or applicable law.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.

- Insubordination or willful refusal to comply with the lawful order or instruction of a Department Head, or supervisor.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the City's best interest, or any conduct that does not warrant public trust.
- Unauthorized expenditure of City funds.
- Illegal gambling while on duty.
- Willful work slowdown, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with City operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or repeated failure to give proper notice.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving the work area without permission.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time.
- Disruptive, loud, and boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.
- Repeated violations of City policies, procedures or prohibited conduct.

This list is not intended to be comprehensive and does not limit the City's right to impose discipline in other appropriate cases.

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. The City abides by Civil Service Law Section 75.

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 employee is afforded the right to a hearing in accordance with provisions established by Civil Service Law Section 75. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose.

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 officer's 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 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 Finance Department.

407 Code of Ethics

Purpose- The Code of Ethics for the City of Schenectady is codified in Chapter 48 of the City Code, and hereby incorporated into this handbook by reference. All employees must familiarize themselves with the Code of Ethics, and must ask their Department Head for clarification on any part which they do not understand. Copies of the Code of Ethics are available online, or in the Finance Department.

408 **Personnel Records**

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 Finance Department and will be maintained and controlled by the Personnel and Benefits Administrator.

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 Finance Department office and will be maintained and controlled by the Personnel and Benefits Administrator. ***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 Finance Department and will be maintained and controlled by the Personnel and Benefits Administrator. ***For security purposes, these files will be locked at all times.***

Change in Status – An employee must immediately notify the Finance Department 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.

409 Separation from Employment

Notice of Resignation (Employees) – 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 Finance Department.

Notice of Resignation (Elected Officials) – An elected official must resign by delivering a written notice to the City Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the City Clerk. If an elected official wishes to resign at some future date, the elected official may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the City Clerk the resignation will become effective thirty days after such delivery.

Exit Interviews – Exit interviews are normally conducted by the Personnel and Benefits Administrator. 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.

500 OPERATIONAL POLICIES

501 *Departmental Hours*

Normal Hours of Operation – 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.

Overtime – 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 before working additional hours.

Refusal to Work Additional Hours – An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.

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 and Breaks for Nursing Mothers

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 thirty or sixty minutes, depending upon the department.

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.

Observance of Meal Breaks - In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break. Unless prior approval has been received from a supervisor, an employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable unpaid break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The City will provide this unpaid break at least once every three hours if requested by the employee. The City will allow the employee to make up time not worked as a result of the unpaid break either before or after the employee's work shift (during the City's normal hours of operation). This provision applies to nursing mothers for up to three years following childbirth. The City will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this unpaid break is required to give the City advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the City an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

503 **Emergency Situations**

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Mayor may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Mayor 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 union employees will be in accordance with the provisions below unless otherwise specified in a collective bargaining agreement:

- **During Work** – A full-time or part-time employee who is directed by the Mayor 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. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave. Any employee who chooses to leave prior to the Mayor's directive to close, will be required to use their own appropriate paid leave credits. Any employee who must remain at work because of the nature of their position will receive the employee's normal rate of pay for all time worked.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Mayor will initiate notification to all affected employees. A full-time or part-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.

Inclement Weather – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the City. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Mayor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain prior authorization from his or her Department Head prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

504 **Time Records**

Policy Statement – All employees are required to complete an individual time record, on forms provided by the Finance Department, showing the daily hours worked and/or leave time taken.

Procedures – Unless otherwise specified by a collective bargaining agreement or individual department procedures, employees must comply with the following procedures:

- Time records must be completed by the close of each workday.
- All time worked, including the beginning and ending time, must be recorded.
- All meal periods must be recorded.
- All paid and unpaid leaves of absence must be recorded.
- Employees must complete and sign their own time record.
- The time record must be submitted to the Department Head at the time specified.
- 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 or his or her designee may complete the time record on behalf of the employee.

505 Expense Reimbursement

Policy Statement – Upon proper and prior authorization of the Mayor and the Department Head, an employee 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. If approved, qualified meal expenses will be reimbursed the daily amount established by the Finance Department. A voucher with all required documentation and corresponding receipts must be submitted to the Department Head and the Finance Department in order for the reimbursement to be processed.

Expense Approval – Each employee is expected to exercise reasonable judgment when incurring charges that will be submitted for reimbursement. Prior approval from the Department Head and/or the Mayor is required for expenditures. The Mayor and or his designee reserves the right to reject reimbursement requests that are deemed unreasonable or inappropriate.

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 mileage rate established by the Internal Revenue Service.

Training and Education – Upon proper authorization of the Department Head, a full-time employee will be provided with training courses that are directly related to the employee's present job. The cost of all approved training will be paid by the City.

Required Membership Fees – Upon proper authorization of the Mayor, 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.

506 *Vehicle Usage*

Policy Statement – All vehicles and related equipment of the City of Schenectady are owned and maintained for the purpose of conducting official business of the City. Said vehicles and equipment may not be used for the personal use or 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:

- City vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- City vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of City vehicles, and must report them to their Department Head. The City is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.
- Any accident involving a City vehicle, regardless of severity, must be reported immediately to the appropriate Department Head. The Department Head must file an accident report with the Corporation Counsel's Office within twenty-four hours.
- The use of a cell phones and seat belts when driving on City business must be compliant with all applicable laws and/or regulations.
- City vehicles may not be used to transport persons who are not officials or employees of the City of Schenectady, nor material not related to the conduct of official City business, without direct authorization by the Mayor.
- City vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on City vehicles at any time, except those of a limited community service nature which have been authorized by the Mayor.

507 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 (CDL), 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 CDL 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 CDL license may affect the employee's employment with the City. The City will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

508 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.

509 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 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.
- The use of City issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on City business must be in compliance with all applicable laws.

510 **Computer Systems and Internet / E-mail Service**

Policy Statement – The purpose of this policy is to provide the following requirements for the use of City-owned computer systems and Internet / E-mail service.

Computer Systems

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

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 Schenectady. 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.

City's Right to Monitor Computer Systems and Equipment - There is no guarantee of privacy when using City-owned computer systems and equipment. The City reserves the right to enter, search, and monitor employee communications equipment and files, with or without advance notice, at any time in the normal course of business. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored, or deleted on such systems, including items that are password protected. Additionally, the City has the authority to monitor and record each web site, chat room, and newsgroup visited on the Internet, and every e-mail message and file transfer into and out of the City's network. The City may also monitor each employee's Internet activity and usage patterns to ensure that the City's resources are being utilized for appropriate business purposes. Any employee who is required to have a password must submit that password to the employee's Department Head.

Prohibited Uses – In addition to the requirements 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, viewing, or storage of obscene or suggestive messages or graphic images;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing City business;
- 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;
- Gambling;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not authorized 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.

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 Schenectady. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- E-mail must be used in a professional manner.
- Messages must not be threatening, insulting, obscene, abusive, or derogatory.
- Messages must not include content that constitutes sexual harassment.
- Chain letters 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 Schenectady.
- 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 or instant messaging 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 and power down at the end of the day.
- 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.

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 and/or applicable law, will begin.

511 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.

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

Uniforms / Standardized Clothing – An employee may be required to wear a uniform or standardized clothing (e.g. Recreation Department T-Shirts, etc.) as directed by the applicable Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements. Unless otherwise specified in a collective bargaining agreement, the City will provide employees with these items, which shall remain the property of the City, and as such must be returned to the City upon separation of employment.

512 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 – 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.

513 Disclosure of Information

Policy Statement – The City of Schenectady promotes open government and complies with all requirements regarding public access to information. However, the City recognizes that certain documents, records, and other information pertaining to City operations and activities contain sensitive and confidential information about City residents and others who do business with or on behalf of the City and/or its residents. Such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other City employees, family members or friends who do not have a City business reason to have such information.

Responsibility for Security of Confidential Information – Elected Officials, Department Heads and employees are responsible for maintaining the security of documents, records and other information that fall within their department operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the Law Department for processing. The Corporation Counsel will have the final approval of all released information.

Employee Personal Information – An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

514 Visitors

Policy Statement – Visitors are allowed for brief visits as such visit does not interfere with City operations or interrupt other employees who are still working, and are approved by the Department Head.

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 Finance Department 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. Some examples are:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified 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
- Computers and cell phones
- Identification Badges
- Keys
- Uniforms
- Books or other Reference Materials, including this Employee Handbook

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 authorized work hours, 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.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the City.
- A City employee who engages in outside work must not represent that they are working on behalf of the City.

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.

600 ABSENCE POLICIES

601 Attendance

Except as otherwise provided by a collective bargaining agreement or established by an individual department, 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 at least fifteen minutes before the employee's scheduled starting time or in cases of emergency, as soon thereafter as possible. 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 – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 804, Personal Leave, for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's Department Head at least fifteen minutes before the employee's scheduled starting time or, in cases of emergency, 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 – Notification of an absence to an employee's Department Head does not automatically mean the absence is authorized. 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 may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

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 the employee's scheduled workday is not over, 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 Witness at Hearings or Trials

Employees will receive their regular base pay for time off if required through a subpoena to testify in a hearing or trial, provided the employee is scheduled to work on that day. The employee must return promptly to work following the appearance as a witness. This policy does not apply to matters in which the employee is the named party, or is a representative of an organization which is a named party, in the action.

604 **Bereavement Leave**

Eligibility – In the event of a death of a full-time employee’s immediate family member, the employee may take a leave for up to five consecutive calendar days from the employee’s regularly scheduled work. Bereavement leave must be taken immediately following the date of death. 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
- Mother-in-law
- Daughter-in-law
- Grandparent
- Child
- Sibling
- Father-in-law
- Son-in-law
- Grandchild

Additional Bereavement Leave – With authorization from the employee’s Department Head, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement 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.

Funeral Leave (Extended Family and Acquaintances) – Upon the approval of the Department Head, a full-time employee may take a paid leave of absence for up to ½ day in the event of a death of the employee’s family member (not defined above) or acquaintance. An employee may not exceed three funeral leaves of this type in one year. Approved funeral leave will not be subtracted from any of the employee’s leave credits.

605 **Leave for Cancer Screening**

Policy – The City of Schenectady complies with New York State Civil Service Law which entitles all employees to paid leave to undertake screening for breast cancer (under §159-b) and prostate cancer (under §159-c). This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

Allowance – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate cancer (male employees only). Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

Scheduling – An employee must receive prior approval from the employee's Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

Documentation Requirements – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

Scheduling – An employee must receive prior approval from the employee's Department Head to take excused leave for this purpose. The request for excused leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this excused leave, but will not unreasonably deny such request.

Documentation Requirements – If an employee uses unpaid excused leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses paid leave for a cancer screening procedure, the provisions of the applicable paid leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

606 Leave for Blood Donations

Policy –The City of Schenectady complies with New York State Labor Law Section §202-j which entitles employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for this same purpose.

Allowance – An employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment.

Scheduling – An employee must receive prior approval from the employee's Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

Documentation Requirements – If an employee applies for paid leave for under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for blood donation.

607 Military Leave and Military Leave of Absence

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 Schenectady 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 calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty 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. Any paid leave beyond the twenty-two workdays or thirty calendar days shall be with approval of the City Council.

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.

Leave For Military Spouses (New York State Law) – In accordance with NYS Labor Law §202-i, the City will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member

of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head.

608 **Family and Medical Leave Policy**

Statement of Compliance - The City of Schenectady 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. The FMLA also provides an eligible employee with up to twenty-six weeks of *Service Member Family Leave* to care for a covered servicemember (limited to a single twelve-month period). 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 other terms and conditions of employment, 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.

Types of FMLA Leave - Eligible employees will be afforded up to twelve weeks of unpaid leave under **FMLA** under the following circumstances:

- 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;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and
- Because of any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

Servicemember Family Leave - Eligible employees will be afforded up to twenty-six weeks of leave to care for the employee's spouse, son, daughter, parent, or nearest blood relative who is a recovering servicemember. This leave shall only be available during a single twelve-month period. During this single twelve-month period, the employee shall be entitled to a combined total of twenty-six workweeks of caregiver leave described in this section and the **Types of FMLA Leave** section described above. Nothing in this paragraph shall be construed to limit the availability of FMLA leave provided under the **Types of FMLA Leave** section above.

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 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 Human Resources /Payroll Department for review and final authorization. The failure of an employee to give thirty 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 days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

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 Human Resources / Payroll Department. 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 Schenectady 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 and Care, Adoption or Foster Care Placement of a Child – Leave for the birth and care of a child or the placement of a child for adoption or foster care must conclude within twelve months 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 leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work or may be required to work for the City of Schenectady.

Benefits During a Leave of Absence - For the purpose of this policy, the following will apply:

- **Use of Accrued Paid Leave Credits** - An employee taking leave for the **employee's own serious health condition** has the option of using paid sick, vacation, personal and compensatory time which will be included in the maximum twelve weeks of leave. An employee taking leave for the **employee's birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition, or for servicemember family leave** has the option of using paid vacation, personal and compensatory time 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.
- **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 leave including vacation, sick, personal and compensatory time.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not receive holiday pay for any holidays that may occur during an unpaid leave of absence. An employee's vacation leave shall not be prorated as a result of the FMLA leave. However, an employee will not earn sick leave during any months where the employee was not paid for at least seventeen calendar days.
- **Medical Insurance** - During the period of authorized FMLA leave, an employee's eligibility status for medical insurance coverage will not change. 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, 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 eligible family member 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 and Short-Term Disability Benefits - Leaves taken under the Workers' Compensation Law or the City's Short-Term Disability Policy 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 or short-term disability benefits, the City cannot require the employee to substitute paid leave credits during this period of leave. If the workers' compensation leave or short-term disability 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 and the Schenectady County Civil Service Rules as applicable.
- **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.
- **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 Personnel and Benefits Administrator.
- **Extension of Unpaid Leave of Absence** - An employee who wants an extension of the leave originally requested must notify the employee's Department Head at least two business days from the date the change occurred which necessitates the change in leave time. The Mayor or his or her designee reserves the right to approve all leave extensions.

700 COMPENSATION

701 *Wage and Salary*

Longevity Recognition – The Finance Department shall inform employees of the current longevity policy for the City, when requested to do so.

702 *Overtime*

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 compensation for additional hours worked without proper authorization.

FLSA Non-Covered and Exempt Employees – In accordance with the Fair Labor Standards Act, FLSA non-covered and exempt employees will not be paid for overtime nor receive "compensatory time" for any hours worked in excess of the employee's normal workday or workweek.

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.

Union Employees – An employee who is a member of a collective bargaining unit shall receive overtime compensation in accordance with the overtime provision of the applicable collective bargaining agreement and is also subject to the provisions of the FLSA.

800 EMPLOYEE BENEFITS

801 *Holidays*

Designated Holidays – The City of Schenectady will observe the following holidays:

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Columbus Day
8. Election Day
9. Veterans' Day
10. Thanksgiving Day
11. Day after Thanksgiving
12. Christmas Day
13. Personal Birthday*

*A full-time employee shall be permitted a paid day off in recognition of the employee's birthday. This day off may be taken on the actual birthday or on an alternate date requested of and approved by the Department Head.

Eligibility – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time employee will receive holiday pay if the employee is normally scheduled to work on that holiday. Holiday pay for a part-time employee will be based upon the employee's normally scheduled hours on the day the holiday occurs. A temporary or seasonal employee is not eligible for holiday pay.

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.

802 Vacation Leave

Eligibility – Information related to vacation leave is available in the Management Employees Benefits Memo maintained by the Finance Department.

New Employees – A newly hired full-time employee will receive ten days after one year of continuous employment to be credited on the one year anniversary date.

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

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 (Full-time Employees) – An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave up to a maximum of ten weeks to which the employee is properly entitled at the employee's then current rate of pay. 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 estate for any unused vacation leave.

803 Sick Leave

Eligibility – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time employee who is regularly scheduled to work a minimum of one-half the schedule for the full-time equivalent position will be credited with paid sick leave in accordance with the part-time sick leave allowance listed below. A temporary or seasonal employee is not eligible for paid sick leave.

Allowance (Full-time Employees) – A full-time employee will be credited with one day of paid sick leave each month. After the completion of five years of continuous full-time employment, the employee will be credited with one and one-half days of paid sick leave each month. An employee will be credited on the seventeenth of each month with sick leave credits earned during that month as long as the employee is on the payroll for at least seventeen calendar days during that month. Sick leave is based on the average number of hours an employee is normally scheduled to work each week.

Allowance (Part-time Employees) – A part-time employee will be credited with five hours of paid sick leave each month. An employee will be credited on the seventeenth of each month with sick leave credits earned during that month as long as the employee is on the payroll for at least seventeen calendar days during that month.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the Department Head at least fifteen minutes before 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 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 a personal illness, injury, emergency or non-emergency doctor or dentist appointments or medical procedure that inhibits the employee's work. Sick leave credits may not be used in increments of less than one-quarter hours. An employee may take sick leave only after it has been credited.

Family Sick Leave – An employee may use sick leave credits 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.

Sick Leave Accumulation – An employee may not accumulate more than two hundred-forty days of sick leave credits.

Medical Verification – The City may require medical verification of an employee's absence and the employee must furnish satisfactory proof of illness upon request. When an employee is absent for more than five consecutive workdays due to an illness or injury, the employee must present a written statement by a licensed physician certifying that the employee's condition prevented him or her from performing the duties of his or her

position. 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.

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.

804 Personal Leave

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

Allowance (Full-time Employees) – A full-time employee will be credited with three days of paid personal leave on an annual basis. The employee will be credited on January 1 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 – A new full-time or part-time employee will be credited with a prorated amount of personal leave upon hire, based upon the amount of time remaining in the calendar year.

Proper Use of Personal Leave – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. Personal leave credits may not be used in increments of less than one-quarter hours.

Scheduling – An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave.

Accumulation – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be added to vacation leave up to the first two days and sick leave for the remaining.

805 *Disclosure of Insurance Benefits*

Summary – Information on medical and dental insurance, as well as other benefits provided by the City, is available in the Finance Department.

806 *Employee Assistance Program*

Summary – The City will make available an Employee Assistance Program (EAP) for a full-time employee and the employee's family to obtain confidential, professional counseling. This program is designed to help employees and their families deal with a variety of problems through professional consultation on a confidential basis.

Part-time, Temporary, or Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible to participate in this program.

How to Access the Program – An employee may either contact the Personnel and Benefits Administrator or the Employee Assistance Program for further information.

900 COMPLIANCE POLICIES

901 *Equal Employment Opportunity*

Policy Statement – The City of Schenectady is an Equal Opportunity Employer. The City's policy on this matter is laid out in Chapter 6 of the City Code, which is available online or at the Law Department.

902 *The Americans with Disabilities Act*

Policy Statement – It is the policy of the City of Schenectady 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 unlawful 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. The City may require medical documentation or other information necessary to verify the existence of the disability and the need for accommodation. Following receipt of an accommodation request, the City will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the City might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodations(s), and the accommodation's impact on City operations.

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 Schenectady 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, who will in turn notify the Corporation Counsel's Office. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported directly to the Corporation Counsel's Office. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports a possible violation 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.

903 Harassment (Including Sexual Harassment) in the Workplace

Policy Statement – The City of Schenectady is committed to preventing harassment in the workplace. The City’s policy on this matter is laid out in a separate document which is distributed to all employees with this handbook after they are hired. Extra copies are available in the Finance Department.

904 Violence in the Workplace

Policy Statement –The City of Schenectady is committed to prevent violence in the workplace. The City’s policy on this matter is laid out in a separate document which is distributed to all employees with this handbook after they are hired. Extra copies are available in the Finance Department.

905 Drug-Free Workplace / Drug Free Awareness Program

Policy Statement – It is the policy of the City of Schenectady 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 Schenectady's Drug-Free Workplace Policy pertains to all individuals who are employed by the City of Schenectady.

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, 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 Schenectady 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 employee's 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 a 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 Schenectady 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 moral, 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 co-workers, associates and the public often leading to damaged relations

906 *Controlled Substance and Alcohol Testing*

Statement of Compliance – The City enforces 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 Statement – In accordance with the NYS Clean Indoor Air Act, it is the policy of the City to prohibit smoking in the workplace, which includes all City buildings and all City vehicles. Employees are also prohibited from smoking on all City property during working hours, or within 25 feet of the entrance to a City building.

Disciplinary Action - Violations of this policy may result in disciplinary action, up to and including termination of employment.

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.

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.

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

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

Accident Reporting Procedures – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the Department Head who will in turn notify the Personnel and Benefits Administrator. The Personnel and Benefits Administrator must complete an *Employer's Report of Injury Form (C-2)* and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the Personnel and Benefits Administrator. The employee's supervisor must complete a *Supervisor's Report of Incident Form*.
- The Personnel and Benefits Administrator will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

1002 Hazard Communication Program

Statement of Compliance – The City of Schenectady 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.

Material Safety Data Sheets (MSDS) – 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.

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 *Organizational Communications*

Summary – The City Council is committed to assuring effective communications between the Board and employees. The success of the organization is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with their Department Head should there be any questions.

Methods of Communication – Information will be communicated to employees in a variety of ways, including general and departmental meetings, memos and other written correspondence, e-mails, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. Except as otherwise provided by a 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 Communications*

Policy Statement – An employee who receives any communication of a negative nature directed to the City, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the appropriate Department Head. The term “communication” shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

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.

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 represent the City in a polite and professional manner.

1300 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

<p style="text-align: center;">CITY OF SCHENECTADY</p> <p style="text-align: center;">EMPLOYEE HANDBOOK ACKNOWLEDGMENT</p>
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I hereby acknowledge that I have received a copy of the **City of Schenectady Employee Handbook** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the City of Schenectady. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the Personnel and Benefits Administrator 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 of Schenectady 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 Schenectady 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 the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the City of Schenectady.

Employee name (please print)

Department Head Name (please print)

Employee Signature

Department Head Signature

Date of Signature

Date of Signature