



VILLAGE OF MILLBROOK EMPLOYEE HANDBOOK

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TABLE OF CONTENTS

Welcome Statement	4
Equal Employment/Conditions of Employment/Ethics	5
Harassment/Safety & Health/Violence in Workplace	6
Non-Discrimination/Employment of Relatives	7
Drugs, Alcohol, Smoking/Absenteeism & Tardiness	8
Inappropriate Conduct	9
Personnel Files/Classification	10
Salary Administration	11
Overtime	12
Official Holidays	13
Vacations	14
Personal/Sick time/Volunteer Duty	15
Health/Dental Insurance	16
Workers Comp/Disability/Voluntary Deductions	17
New York State Retirement	18
Leaves of Absences	19-21
Termination of Employment	22

TABLE OF CONTENTS APPENDIXES:

Violence in the Work Place Policy

Code of Ethics

Telephone/ Cell Phone Policy

Social Media Policy

Debit Card Policy

Employee Handbook Acknowledgement Form

Emergency Contact Form

Welcome to Employment with the Village of Millbrook

As an elected official, appointed official or employee of the Village of Millbrook you have a unique opportunity to serve our community. While you carry forth with your duties, always be aware that the Village is run with public funds for the direct benefit of Village residents. As the guardians and administrators of these public funds and services, our responsibility is to provide for general health and safety in the most fiscally prudent manner possible.

This handbook has been prepared to set forth the policy of the Village of Millbrook and answer any questions you may have regarding your employment. Familiarize yourself with our policies, procedures and benefits. We encourage you to ask questions so that you will have a comprehensive understanding of what is expected of you during your employment. We ask that upon completing your review of the handbook, you sign and submit the acknowledgement form at the end of the document. This form will become part of your personnel file and attests that you have read and accept the contents contained within. When the Board of Trustees deems necessary, updates will be made to this policy and you will be provided with those changes.

This Employee Handbook is not a contract that guarantees employment for any specific duration, or at a defined employment position or rate. Although we hope that your employment will be mutually satisfying, the Village of Millbrook may terminate this relationship with or without cause or notice, except in the case of elected officials and those appointed officials tied to the term of the Mayor.

As a municipality governed by the laws of New York State we serve the taxpayers above all else and must be responsive to budgetary fluctuations. Upon adoption of this policy all previous policies and benefit packages are null and void and the contents herein are effective as of the passage date.

The Village of Millbrook wishes you the best of luck and success in your new position. It is our sincere hope that you have a rewarding and happy experience.

Equal Employment Opportunity/Conditions of Employment

The Village of Millbrook provides equal employment opportunities to all employees and applicants for employment, without regard to race, color, religion, sex, national origin, age, disability, or military veteran status, in accordance with applicable Federal and New York State laws.

Additionally, the Village of Millbrook complies with all applicable Federal, New York State, and local laws governing nondiscrimination in employment and this policy applies to all terms and conditions of employment, including but not limited to the hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absences, compensation and training of all employees.

All potential employees must complete an official Dutchess County application for employment and are subject to meeting the qualifications set forth by Dutchess County for specific civil service positions. The Village Clerk will notify Dutchess County of all personnel and salary changes regarding employees. In addition it is a condition of employment that an I-9 is on file confirming an employee's immigration status and eligibility for employment.

All employees must be presented by the Mayor to the Board for appointment approval prior to the commencement of duties and receipt of compensation. Compensation for Village positions is set annually during the budget process and is subject to the discretion and approval of the Village Board. Mid fiscal year adjustments can be made with due cause and majority Board approval. These mid year adjustments can reduce compensation of Village employees to contend with budget deficits or changes in duties.

Ethics

The Village maintains an official Code of Ethics, included in the appendix. All employees and elected officials should refer to General Municipal Law, Sections 803 and 804.

All elected official must submit a conflict of interest form. It is the employee's responsibility to update their Conflict of Interest form when a change in status occurs.

Harassment/Sexual Harassment

The Village of Millbrook prohibits any form of employee harassment based upon race, color, religion, sex, national origin, disability, status as a veteran, or on the basis of an employee's relationship with any group protected by Federal, New York State, or local laws.

The Village of Millbrook has a strict policy prohibiting sexual harassment which by definition includes unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature. The Village of Millbrook will deal severely with individuals making offensive comments, jokes, innuendos and other sexually orientated statements. Punishment may include immediate dismissal.

As prescribed by local law, the Mayor is responsible for the direction of all Village employees. Notification of offenses regarding Village policy should be directed to the Mayor in writing, but may also be discussed in a meeting where at least one member of the Board of Trustees is present. The Board of Trustees must be notified of any claims against the Mayor.

Safety and Health

The Village of Millbrook is committed to providing a safe and healthful working environment. Every effort is made to comply with relevant Federal and New York State Occupational Safety and Health Laws (OSHA) and to develop the best operations, procedures and programs conducive to maintaining such a safe and healthful environment. This policy is intended to minimize the exposure of employees to any health or safety risk. Therefore all employees are expected to maintain safe working conditions and to adhere to specific department operating procedures designed to prevent injuries and illness.

All injuries, regardless of severity should be immediately reported to department heads as well as unsafe conditions, equipment or practices.

Violence in the Workplace

The Village has an independent Violence in the Workplace Policy that was adopted on March 9, 2010. All employees are required to receive training and acknowledge their commitment to a violence free workplace. This policy is attached as an addendum.

Nondiscrimination and Disabilities Act

The Village of Millbrook complies with the Americans With Disabilities Act and all applicable Federal, New York State, and local laws that guard against discrimination in employment against qualified individuals with disabilities. The Village of Millbrook provides reasonable accommodation for such individuals in accordance with these laws.

Qualified individuals with disabilities may make requests for reasonable accommodation in writing to the Village Mayor. Upon receipt of such an accommodation request, the Mayor and the Board of Trustees will meet with the requesting individual to discuss and identify precise limitations resulting from the disability, and the potential accommodation that the Village is willing to make to help overcome those limitations without creating an undue operational or financial hardship on the Village of Millbrook. The Board may request the opinion of an individual's physician regarding the ability of the employee to carry out the prescribed duties of their position.

Employment of Relatives

The Village of Millbrook permits the employment of qualified relatives of employees, as long as such employment does not in the opinion of the Board of Trustees, create an actual or perceived conflict of interest, the granting of preferential treatment, or the hiring of a related individual instead of another applicant who is more qualified. The Village of Millbrook will exercise sound judgment in the placement of related employees in the same department so long as employment of relatives does not place one relative in a position to manage, supervise, report to, or otherwise influence the work responsibilities, or salary of the other relative.

Drugs, Alcohol, Smoking

The Village of Millbrook maintains a workplace free of illegal drugs. All employees, especially equipment and vehicle operators, may be screened for drug and alcohol use without prior notice. Employees may be required to give the Village of Millbrook permission to access their medical records in connection with these screenings. All screenings will be at the expense of the Village and random in nature.

Any employee suspected of performing their duties while under the influence of drugs or alcohol will be relieved of the day's duties, suspended, and screened for substance abuse. A zero tolerance policy is in effect and termination may result from non adherence. Any suspected misuse of drugs and/or alcohol should be immediately reported to the appropriate supervisor and ultimately the Mayor.

The Village of Millbrook adheres to the County of Dutchess law that prohibits smoking in any Village building, or in any facility in which the Village is conducting business, or holding a special event.

Absenteeism and Tardiness

All Village of Millbrook employees are expected to assume responsibility for their attendance and promptness.

If you are unable to work because of illness or any other serious reason, you must notify your department head as soon as you are aware that you will not be able to work, and prior to the normal starting time for your position. Non notification will be considered an unexcused absence.

Absenteeism or tardiness that is un-excused or excessive in the opinion of the Village Board can become grounds for disciplinary action up to and including dismissal.

If absence due to illness exceeds three (3) consecutive days, a statement from your physician may be required before you will be permitted to return to work.

Inappropriate Conduct

The types of behavior the Village of Millbrook considers inappropriate include, but are not limited to the following:

- Making a false statement on an employment application or any Village record.
- Violation of the nondiscrimination and/or sexual harassment policy.
- Excessive absenteeism or tardiness.
- Reporting to work or performing work under the influence of alcohol and/or drugs.
- Unnecessary or unauthorized use of Village supplies, tools, materials, or any other Village property when that use is not for the benefit of all Village residents.
- Use of Village computers for personal internet or computing activities.
- Excessive personal telephone calls.
- Insubordination or refusal to perform a duty as prescribed by the Mayor of the Village of Millbrook.
- Disposing of or removal from site of any Village property without permission of department head.
- Accepting gratuities in excess of \$75.00 for favor. An Elected Official may never accept a gratuity.
- Illegal activity.
- Unauthorized Weapons-(see Violence in the Workplace Policy)

If your performance, work habits, overall attitude, conduct or demeanor becomes unsatisfactory in the judgment of the Village of Millbrook Board of Trustees, you will be subject to disciplinary action up to and including dismissal.

Personnel Files

The Village of Millbrook maintains a personnel file for each Village employee. These files contain documentation regarding all aspects of the employee's relationship with the Village. The Village of Millbrook complies with all Federal and New York State rules and regulations regarding the privacy of an employee's personnel file.

Personnel files will include your Dutchess County Employment application, position job description, W-4, I-9, handbook acknowledgment form, conflict of interest form, retirement system enrollment or denial, emergency contact, medical insurance enrollment information or denial, and violence in the workplace acknowledgment form. Files may also include disciplinary warning notices, performance reviews, letters of commendation, training certificates and annual certification requirements forms.

You may review your personnel file by making the appropriate arrangements with the Village Clerk, but you may not add or remove any documentation to your personnel file. Please ensure that your file is up to date and necessary information is current.

Classification of Employees

For purposes of salary administration, eligibility for overtime, health benefits and retirement status, the Village of Millbrook classifies its employees as follows:

Elected Officials, Appointed Officials and Employees.

Full Time Status: an appointed official or employee hired to work

- a) **Non-Exempt**-a 40 hour work week on a regular basis and paid an hourly rate. Non exempt employees are entitled to overtime for work in excess of 40 hours during a week.
- b) **Exempt**-a 35 or 40 hour work week on a regular basis and paid a set salary. Exempt employees are not entitled to overtime pay but may be eligible for compensation time at the discretion of the Mayor.

Part Time Status: Temporary hires, all elected officials and any employee who is not full time. (ex. Seasonal)

Salary Administration

Your salary or hourly rate will be reviewed on an annual basis during the budget preparation process. Changes will go into effect on the first payroll of the new fiscal year which includes June 1st.

Regular Pay procedures

The Village of Millbrook complies with all applicable Federal and New York State laws that require detailed attendance/payroll records be maintained of the hours worked by all Village employees.

Department heads are required to submit records of time worked including any benefit time used during a pay period. This form may be reviewed by you prior to its submission to the Village Clerk. If you detect errors or discrepancies, please discuss these with your department head.

All Village of Millbrook employees and elected officials are paid by check. Payroll is biweekly and monthly with the work week beginning on a Thursday and ending fourteen days later on a Wednesday. To ensure timely payment, all time sheets must be submitted by close of business on the Wednesday that completes the pay cycle and checks will be issued and dated on the following Friday. All required deductions, such as Federal, New York State, and local taxes as well as all authorized deductions will be automatically withheld from your paycheck. Please review your paycheck carefully for errors. Benefit time accrued and used will be listed on each stub along with your deductions.

Prepayment of salary is not authorized under any circumstances.

Falsification of a time record is a breach of Village policy and is grounds for disciplinary action, including the possibility of termination of employment.

Overtime Pay Procedures

If you are classified as a full time, non-exempt employee, you will receive compensation for approved overtime work as follows:

You will be paid at straight time (your regular hourly rate of pay) for all hours worked up to 40 hours in any work week and one and one-half time your regular hourly rate of pay for any time worked in excess of 40 hours in any work week.

Weekend and holiday non-emergency overtime permission must be obtained from the appropriate Board of Trustee liaison or the Village Mayor. The Village Highway Department has a storm policy which is administered by the Board liaison. The Village recognizes the commitment made by Highway Department workers who are called to perform street maintenance at all hours of the day and with very little notice during storm events. They are considered on call 24 hours a day.

Emergencies may arise due to storms, floods, and unforeseen water/sewer events. These as well as planned special events occurring in the village may force the need for overtime hours to be worked by all classes of village employees.

Part time police officers serving at "special details" are eligible for premium pay. Special details include; the Fireman's Carnival, Memorial Day Parade, Fireworks Events, Halloween, New Years Eve Millbrook, and any other detail approved by the Mayor.

Our primary objective is to provide for the health and welfare of the community. All efforts will be made to supply reasonable notice when the need for your services arises. However, please remember that as civil servants it is our duty to serve above and beyond when called upon. While we understand that illness and personal commitments may preclude your availability to work in an emergency situation, or for special details, excessive absences under these circumstances may result in job performance review and possible termination.

Holidays

The Village of Millbrook provides for paid time off to recognize the following holidays:

New Year's Day
Martin Luther King's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Election Day
Veterans Day
Thanksgiving Day
Day After Thanksgiving
Christmas Day

Holidays which fall on a Saturday are observed on the preceding Friday. Holidays falling on a Sunday are observed on the following Monday.

Village police officers who work on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, or Christmas day will be paid time and one half.

Vacations

The Village of Millbrook grants annual paid vacations to its full and part time employees. The number of days granted depends on your length of service and status:

Full time non-exempt employees with less than ten years service who are regularly scheduled to work 40 hours per work week shall receive two (2) weeks vacation per fiscal year. Full time nonexempt employees with more than ten years of service shall receive three (3) weeks and Full time non exempt employees with more than 20 years of service shall receive four (4) weeks vacation per fiscal year. One day of vacation is equivalent to eight (8) hours.

Full time exempt employees with less than ten years service who are regularly scheduled to work 35 hours per week shall receive two (2) weeks vacation per fiscal year and those with more than ten years service shall receive three (3) weeks vacation. Full time exempt employees with more than 20 years of service shall receive four (4) weeks vacation per fiscal year. One day of vacation is equivalent to seven (7) hours.

Part time hourly employees, including the police department, are not eligible for benefit time.

Part time salaried employees are entitled to two weeks of prorated vacation per fiscal year, based on the work hours per day assigned to their position. For example, an employee who works twenty (20) hours per week is entitled to a total of forty (40) hours of vacation time per fiscal year.

New employees hired after December 1st of a fiscal year are only entitled to one (1) week vacation for the remainder of that year.

Benefit time for all employees is reset at the start of the Village fiscal year, June 1st.

Vacations may be taken at any time during the fiscal year with department head approval. Since most departments consist of 2-3 employees, vacations may not be taken simultaneously. Requests will be awarded in the order the time off request forms are received.

Unused vacation time may not be carried over to the following year and no payment will be made in lieu of taking vacation. Payment will be made in lieu of taking vacation only upon separation of service from the Village of Millbrook if such separation occurs after November 1st.

Employees who are terminating employment with the Village of Millbrook prior to November 1st are not entitled to unused vacation time.

Personal Days

Recognizing that employees have personal business to conduct during business hours, full time non-exempt and exempt employees are entitled to take up to four (4) paid personal days per fiscal year. These days may be taken in hourly increments based on the schedule of position hours, as outlined under vacation time guidelines. Approval should be obtained from the department head.

Unused personal time may not be carried over to the following year and no payment will be made in lieu of taking personal time

Sick Time

Full and Part time non-exempt and exempt employees of the Village of Millbrook are entitled to twelve (12) sick days per fiscal year, earning one day per month. These days may be taken in hourly increments based on the schedule of position hours as outlined under vacation time guidelines.

Credit for sick time will be given at the start of each fiscal year, June 1st. Remedy will be sought for sick days expended but not earned at time of separation if such situation exists.

Unused sick time may be carried over from one year to the next, but may not exceed 90 days of total accrued benefit time.

Volunteer Duty

The Village of Millbrook encourages employee volunteerism with the Millbrook Volunteer Fire Department and Rescue Squad. Any member employees will not be charged benefit time when responding to emergency calls during the course of the business day.

Health Insurance

All full time employees are entitled to health insurance coverage for themselves and their families using the designated primary insurance carrier. The health benefits effective date is subject to the insurance carrier's rules and regulations.

Premium cost for up to family coverage will be paid for all full time non-exempt and exempt employees at the rate of 100%.

Premium cost for up to single coverage will be paid for any elected official at the rate of 50%.

Part time employees are not eligible for health insurance, but may "buy in" to the group plan.

No insurance buy out provision will be offered at any level.

Retiree Health Coverage

The Village of Millbrook no longer recognizes the designation of retiree of The Village of Millbrook. Existing agreements in effect at the passage date of this document will be honored. Former retirees will be entitled to 50% of the cost of Medicare supplemental insurance.

Workers Compensation

The Village of Millbrook maintains a workers compensation insurance policy to provide for payment of your medical expenses and for partial continuation of your pay in the event of a work-related accident or illness.

All injuries and job related illnesses must be reported immediately to the Village Clerk. Failure to promptly report may result in the denial of your claim. All benefits and payments will be at the direction of the Workers Compensation Insurance carrier or hearing officer.

Disability Insurance

The Village of Millbrook maintains a disability insurance policy to provide for partial payments regarding a disability or maternity leave occurrence for all employees. All benefits and payments will be at the direction of the Disability Insurance carrier or hearing officer.

Voluntary Deductions

All classes of Village employees may participate in voluntary deduction programs as approved by the Board of Trustees. Programs for employee benefit include:

Deferred Compensation Plan-Pre tax dollars are withheld and invested by employee direction with the New York State Deferred compensation Plan. This is a long term savings plan designed to help you plan for retirement. The Village of Millbrook does not make employer contributions to this plan.

AFLAC-Supplemental insurance program financed by employee payroll deduction for the voluntary purchase of insurances related to but not limited to medical, dental, life and long term care.

Voluntary Deduction programs may be amended at the discretion of the Board of Trustees. Any employee interested in participating or learning more about these programs should contact the Village Clerk.

New York State Retirement

All full time non-exempt and exempt employees must participate in the New York State Retirement System Plan. The primary purpose of the retirement system is to provide secure and fully funded retirement benefits that members have earned as State and local government employees. The Village's participation is managed through the Office of the State Comptroller.

Employees must make a 3% salary contribution at this time through payroll deduction until fully vested in the plan. This is subject to change upon written notice from the New York State Retirement System. Years of service credit are awarded based on the number of hours worked in your position. The village has no decision making power in this respect. The program is operated by the New York State Comptroller's Office.

In some circumstances employees may make arrears payments to buy back service credit from previous employment.

Any employee who leaves public employment will retain their service credit for a predetermined amount of years and will have options regarding the future of their retirement account. The State Retirement System will address individual cases.

Part time employees are eligible to participate on a voluntary basis. Salary contributions are still set at 3%, but a part time employee would need to work more than a calendar year to receive a year of service credit. Part time employees not participating in the New York State and Local Retirement System must decline participation with a written notice to be kept in the employees personnel file.

Police Retirement

Part time police officers will be enrolled in the NYS Police and Fire Retirement system. There is no contribution required from police officers as per plan rules. The plan is managed by the Office of the State Comptroller.

Family and Medical Leave of Absence

The Village of Millbrook will grant a leave of absence to all classes of employee's who require time off to care for a child after birth or adoption, or to care for a family member (spouse, child, or parent) with a serious health condition, or in the event of the employees own serious health condition.

The employee must have been employed for at least one year and will be granted a leave up to six months with the guarantee that their employment will be continued upon their return to active duty. Requests for an extension of the original six month leave can be made to the Board of Trustees and any decision rendered is at their sole discretion.

All Family and Medical leaves are unpaid. Benefit time accrued must be exhausted prior to the leave becoming unpaid, as prescribed by law. Any group health insurance benefit will continue during the leave period, but additional benefit time will not be earned.

The Village reserves the right to require physician statements certifying the family members or employee's medical need.

If the medical leave was for the employees own serious health condition, you will be required to present a statement from your physician indicating that you are capable of returning to work and performing the essential and complete duties and responsibilities of your position prior to returning to work.

Village of Millbrook

Health and Safety Policy – Medical Leave

Any Active employee who is unable to fulfill his or her duties for a period of more than 72 hours due to significant illness or injury shall notify the Mayor or designated Department Head or liaison within 24 hours of the occurrence of such illness or injury.

Significant illness or injury is defined as any condition that can physically or emotionally prevent an employee from fully performing his/her duty as an employee. Such illness or injury includes but is not limited to the following:

Musculoskeletal injuries i.e. sprains, fractures, dislocation

Cardiac related

Other conditions for which the employee is hospitalized for more than 24 hours

Details of the illness or injury can be of a general nature. The Mayor or Department Head or liaison may excuse any employee from duty until he/she has recovered from his/her significant illness or injury and shall keep the information about the employee's condition confidential.

Unless the Mayor or Department Head or liaison deems otherwise, any employee medically excused from work for significant illness shall provide documentation of his/her fitness to return to work upon his/her return, such as a note from a treating physician. If an employee is unable to provide documentation of his/her fitness for work, the Mayor or Department Head or liaison may, at his/her discretion, request that the employee undergo a department "return-to-work" physical conducted by the Village retained by the Village of Millbrook for this purpose. Any paperwork or information related to employees' medical fitness will be kept strictly confidential, in accordance with HIPAA laws.

Refusal by an employee to notify the department of his/her absence or to obtain one of these certifications upon his/her return may be grounds for suspension.

Bereavement Leave of Absence

All classes of employees are granted up to five (5) consecutive days of paid service in the event of a death occurring in your immediate family (spouse, child, parent, sibling, grandparent, in-law). Up to three (3) days are granted for relatives not listed above.

Military Leave of Absence

All classes of employees are eligible for a military leave of absence. The leave may be for active military or reserve duty. A copy of your orders must be submitted to your department head as soon as you receive such orders. The Village will pay differential pay if any exists between your Village position pay and your military service pay. Your position will be guaranteed until your military duty or training is complete.

Jury Duty

The Village of Millbrook will pay your regular pay, up to one (1) week when you are called to Jury or Witness Duty. Individual cases where service exceeds one week may be reviewed and approved by the mayor and majority of the board of trustees. A copy of the official summons and proof of completed service must be submitted to the Village Clerk upon completion of service. Payment for jury duty should be submitted to the Village of Millbrook directly from the municipality where you served jury duty. The difference will not be taken from your paycheck.

Termination of Employment

Any employee, of all classes, wishing to voluntarily terminate their employment with the Village of Millbrook is required to submit written notice at least two (2) weeks prior to their departure date. Notice shall be provided to the appropriate department head and the Village Clerk.

The Mayor and Board of Trustees reserve the right to conduct an exit interview with any employee leaving the Village of Millbrook for any reason. The employee will be given the opportunity to discuss their job-related experiences.

Only unused vacation, if after November 1st, and unused sick time benefits will be paid upon departure.

Those employees, of all classes, who are involuntarily terminated, are eligible for a hearing as provided by the Dutchess County Personnel Department.

Employees covered by the Village of Millbrook Health Insurance Group Plan are eligible to continue said health insurance benefits under COBRA as prescribed by law.

All employees must notify the Village of Millbrook three (3) months prior to their official State retirement date.

Employment at Will

Notwithstanding any other provisions of or to the contrary, the employee is an employee at will who serves at the pleasure of the Village of Millbrook Board of Trustees. As such, he/she may be terminated by the Village for cause or without cause, and upon termination will receive such benefits as are provided for herein and by applicable law.