

Delaware County Employee Handbook



Prepared by:

DELAWARE COUNTY PERSONNEL OFFICE

(Updated December 2007)

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PURPOSE

This handbook is furnished to provide an introduction to County employment and County Government, to summarize briefly what you may expect from employment with Delaware County and some of the things your employing department will expect of you, to answer some of the more common questions often asked by both newer and more established employees, and hopefully to help direct you to the offices and sources that are most likely to provide answers for other questions that may arise during the course of your employment.

The laws, rules, regulations, collective bargaining agreements, etc. that apply to your employment are numerous and detailed and are subject to change as new contracts are negotiated, new laws are enacted, etc. This handbook is meant only to summarize and supplement requirements in effect at the time it is published. Anything contained herein that might inadvertently be in conflict or outdated by any law, rule or regulation or collective bargaining agreement will be void and the applicable legal source will take precedence.

DELAWARE COUNTY GOVERNMENT

Delaware County Government comes under the general jurisdiction of an elected Board of Supervisors. The Board consists of nineteen (19) Supervisors each representing a town in the County. The Board operates under a weighted voting system which is based on the population of the town they represent. Supervisors are elected for two year terms.

Except for the Chairman of the Board, all Supervisors are parttime. Board meeting dates and times are scheduled at the first meeting of each year. For specific dates employees should contact the Clerk of the Board's Office. Board meetings are held in the Supervisors Room on the first floor of the County Office Building.

A committee of the Board oversees each County Department. These committees normally consist of a chairman and two members.

Most department heads are appointed by the Board of Supervisors except for the County Treasurer, County Clerk, Sheriff and District Attorney who are elected officials.

County government encompasses a wide variety of functions and services including the Board of Supervisors, District Attorney, Treasurer, Information Technology, Real Property Tax Services, County Clerk, Fiscal Affairs, Personnel, Board of Elections, Sealer of Weights and Measures, Building Maintenance, Sheriff's, Emergency Services, Probation, Public Health, Drug and Alcohol Abuse Services, Mental Health, STOP-DWI, Social Services, Veterans Services, Office for the Aging, Youth Bureau, Planning, Economic Development, Watershed Affairs, Public Works, Office of Employment and Training and a number of other functions. Most County offices are located in or near Delhi at various sites.

PERSONNEL OFFICE

The Personnel Office serves two basic functions: to administer Civil Service Law in Delaware County and to serve as the central personnel agency for County government. The Personnel Office is headed by a Personnel Officer who is appointed by the Board of Supervisors for a six (6) year term.

The Personnel Officer has the authority to adopt Civil Service rules governing appointments, promotions, reinstatements, leaves of absences and similar matters governing employment in County service and other political subdivisions under its jurisdiction including towns, villages, school districts, etc. Some of these rules are outlined for you in this handbook.

The activities of the Personnel Office affect you directly in many ways from the time you first fill out an application until you leave County service. Your job was classified according to its duties and given its title and salary by this office. The payroll on which your name appears is checked and certified by the Personnel Office. Some other functions of this office include holding examinations, coordinating various labor relations matters, including representing management in negotiations of collective bargaining agreements with County employee organizations, maintenance of detailed employment history for all Civil Service employees in the County, the review of the qualifications of all appointees to Civil Service positions, advising individual employees of their rights, benefits, and responsibilities under the law and under several collective bargaining agreements, administering the County's health and disability insurance programs, providing assistance and information concerning retirement matters, handling unemployment claims, and other personnel related matters. It is your responsibility to provide the personnel department with any changes such as name, address, withholding, etc.

EQUAL EMPLOYMENT OPPORTUNITY

In accordance with Resolution #86 of 1974, as amended by Resolution #140 of 2003, and various Federal and State requirements it is the policy of Delaware County that all employees and potential employees shall be afforded equal opportunity in matters such as hiring, promotion and all other employment activities without regard to their race, creed, sex, color, national origin, religion, age, handicap, sexual preferences, military status or marital status.

Any person who feels that his/her rights have been wrongfully denied should first discuss the matter with their immediate supervisor. If the matter cannot be resolved at this level it should be discussed with the department head. Complaints that cannot be resolved satisfactorily by the department head should be directed to the Personnel Office.

It is the intent of the County that every effort will be made to resolve discrimination complaints internally. However, individuals may seek the assistance of appropriate State and Federal agencies if their complaint is not resolved to their satisfaction.

MEETING THE PUBLIC

The primary purpose of County government is to provide services to the public. The public supports these services with their taxes and are, in the final analysis, your employer. They have every right to be treated with courtesy and respect and to expect appropriateness in dress and manner from each of us.

The public often judges the quality of County services by the courtesy and efficiency shown to them personally by the County employees with whom they come in direct contact. It is important that you keep this in mind and ensure that your conduct is appropriate at all times.

In performing your job, you may occasionally meet a person who is discourteous, most often because he/she doesn't understand why something cannot be done or in other cases why something must be done. An important aspect of your job is to be as polite and as helpful as possible in spite of any such difficulty.

CONFIDENTIALITY

As part of their jobs, many County employees deal with confidential matters and information. It is of the utmost importance that employees who are involved in confidential matters or who have access to confidential material adhere strictly to appropriate laws and departmental policies governing confidentiality. Failure to do so is considered a serious offense and could result in discipline, including suspension and/or discharge.

PUBLIC RELATIONS

In general, public relations, on the departmental level, are conducted under the guidance and direction of the Department Head. As such, the Department Head is considered responsible for all information released from his/her department.

Information which is either inaccurate or disseminated improperly can hurt the vital services and reputation of the Department and the County. Therefore, it is essential that employees follow departmental policy in releasing any information through press releases, interviews, media appearances or other public appearances, completion of surveys and questionnaires or other requests for information.

DISCIPLINARY ACTION

The orderly and efficient operation of County business requires that all employees observe certain standards of behavior and performance. Employees who fail to observe these standards are subject to disciplinary action including possible suspension and/or discharge.

Although the laws, rules and regulations governing discipline and removal of public employees are numerous and often complex, it must be understood that public employees may be disciplined or separated from public service for good cause. The same reasons which are basically and generally acceptable for disciplining employees in private industry may be the basis for discipline in the public service although in the latter the procedure is often more formalized and subject to broader review. Most of the requirements concerning discipline and removal of public employees are contained in the Civil Service Law and to a limited extent Collective Bargaining Agreement. Because these requirements are numerous and complex employees should direct questions concerning disciplinary procedures and their rights to the Personnel Office or their Union steward.

Specific work rules are promulgated by individual departments. If you have questions concerning requirements in your department you should ask your supervisor.

The Personnel Office encourages departments to adhere to the policy of "Progressive Discipline". Normal steps in this process are oral warning, written warning, suspension from duty, and finally discharge. However, the policy of Progressive Discipline may not necessarily apply for a number of more serious violations or offenses where immediate discharge, in line with due process, may be required.

PERSONNEL FILES

The Personnel Office maintains an individual personnel file for each County employee. In it are copies of basic information such as application for employment, documents recording changes in classification and salaries, approved leaves of absences, etc. At the present time, copies of employee evaluations are not routinely maintained in the Personnel Office. Evaluations are maintained by individual departments.

Employees are permitted access to and may copy any material contained in the personnel file maintained in the Personnel Office with reasonable advance notice of 2 or 3 days. In addition, employees may enter any written material they desire in their personnel file. You should check with your department to determine their policy relative to access to any personnel file maintained by them.

GRIEVANCES

The Collective Bargaining Agreement contains a formal grievance procedure to be used to resolve grievances. However, employees who believe they have a grievance should first discuss it with their supervisor and shop steward. Most problems can and should be solved in this informal manner. Often this "talking it out" process will reveal that many "grievances" are really only misunderstandings. Your shop steward can advise you whether your complaint constitutes a valid grievance and provide assistance in processing that grievance.

ON THE JOB INJURY

Accidents occasionally happen. While work related injuries are infrequent and most often are minor, the potential for more serious injury cannot be totally eliminated. The proper course of action for an injury during working hours necessarily depends on its type and severity. For a more serious injury, the first step is always to get medical attention/treatment as quickly as possible. For a minor injury or accident, the supervisor should first be contacted (circumstances permitting), then first aid or medical treatment secured.

Every job related injury must be reported in writing to the department head or his designee at the earliest possible time that circumstances permit. Prompt reporting protects you.

As soon as a job related injury is reported (becomes known) to the department head or his designee, it is required by law to immediately complete and forward a Workers Compensation Board standard C-2 form (Employer's Report of Injury). The form includes the necessary personal and earnings data for the employee, the nature of the injury and the time, date and pertinent details of its occurrence.

Completion of the C-2 establishes that an injury has been reported or treated, and if time away from the job becomes necessary, it enables the insurance carrier to start payment to the employee promptly.

Delaware County provides Workers Compensation insurance through a self-insurance fund administered by the Clerk of the Board of Supervisors. Questions relating to Workers Compensation that cannot be answered by your supervisor or department head may be directed to the insurance fund administrator.

Please check collective bargaining agreement for additional details.

YOUR JOB CLASSIFICATION

Your job has been classified by the Personnel Office based on the duties and responsibilities of the position. The Personnel Office maintains an official Civil Service specification (job description) for each job title. The duties, functions and responsibilities of any position may change affecting the proper classification (title) of the position. To keep classifications current, and to assure that you are working in title and not out of title, a procedure is available to have the classification of positions reviewed. This procedure may be initiated by an employee, a supervisor or department head, or the Personnel Office. The Personnel Office can advise you of the procedure to follow and provide you with the necessary forms to have your position reviewed.

RATE OF PAY

Your rate of pay is determined by the salary schedule contained in the Collective Bargaining Agreement which covers your position.

Each job title has been placed in a particular labor grade which contains a base rate (hiring rate) and a number of annual increments. The overall salary plan is administered through the Personnel Department, however, most modifications to the plan must be negotiated with the Union and approved by the Board of Supervisors.

Changes in your pay may occur periodically as a result of negotiated increases, **eligibility** for an annual increment, promotion, etc. The Collective Bargaining Agreement spells out in detail how your rate of pay is to be computed. **If you believe your rate of pay is not correct you should contact the Personnel Office immediately.**

HOURS OF WORK AND ATTENDANCE

Your hours of work are covered in general by the Collective Bargaining Agreement. However, your exact work schedule is determined by your department and the kind of work you do. Most people working in offices have a 35 hour work week. The usual office hours are 9:00 am to 5:00 pm with one hour for lunch. Non-office employees such as those employed in the Department of Public Works normally work a 40 hour week, 8 hours a day, 5 days a week. Some employees work different schedules depending upon the needs of the department in which they are employed. You will be advised of your schedule and any schedule changes by your supervisor or department head.

Each department has established its own procedure for recording attendance. This procedure will be explained to you by your supervisor or department head. Employees are expected to record their hours of work accurately either on a time clock where these are utilized or on a sign-in/sign-out sheet. These time sheets/cards are monitored closely. Abuses of time and attendance rules are grounds for disciplinary action and falsification of any time records or recording time or punching a time card for anyone other than yourself is considered a serious offense.

A permanent record of your attendance is maintained by the Personnel Office.

PAY DAYS

The County pays its employees on a bi-weekly basis. For most employees pay day falls on Friday, however, special arrangements may be made to pay those employees on the third shift at the Delaware County Correctional Facility. You should check with your supervisor or department head to determine the exact day and time you will be paid. The two week pay period runs from Sunday to Saturday. Your pay check will include wages earned up to and including the previous Saturday. Deductions will be taken out of your salary for State and Federal income taxes and for Social Security. Additional amounts may be deducted for retirement contributions if you are a Tier III or IV member, Union dues, disability insurance, health insurance, U.S. Savings Bonds or deferred compensation. Direct deposit and mailing of paychecks is available please contact the personnel department for information.

COLLECTIVE BARGAINING AGREEMENT

A Collective Bargaining Agreement is an agreement between the County of Delaware and an organization which represents County employees in a particular bargaining unit. This agreement establishes many of the terms and conditions of employment for County employees and is a source of detailed information concerning benefits, employee rights, compensation, grievance procedures, etc. A Collective Bargaining Agreement is effective for a specified period of time. Prior to the expiration of the agreement, the parties to the agreement engage in negotiations to determine the terms and conditions of employment for the succeeding agreement.

As new agreements are negotiated, each County employee is provided with a copy and new employees are given a copy by the Personnel Office. Questions concerning the Collective Bargaining Agreement should be directed to the Personnel Office or your Union Steward.

REPRESENTATION

Most employees of Delaware County, except those excluded by the terms of the Collective Bargaining Agreement are represented by the Delaware County Unit of the Civil Service Employees Association Local 1000 American Federation of State, County and Municipal Employees. The New York State Nurses Association represents nurses in the Public Health Nursing Service. The Delaware County Sheriffs Local 3951, Law Enforcement Union, Council 82, AFSCME, AFL-CIO represents Corrections Office at the Sheriff's Department, while the Deputy Sheriffs are represented by the Delaware County Deputy Sheriffs Police Benevolent Association. Employees are not required to join the Union, but may do so if they wish. Questions concerning Union matters should be directed to your department's Union steward or other Union representatives.

AGENCY SHOP

On July 24, 1992, Governor Cuomo signed a law mandating an agency shop for all public employees in New York State. An Agency Shop requires employees who do not join a union to pay a fee to the union equivalent to the union's dues. The amount of the union dues/agency shop fees is determined by the Union. Under an Agency Shop, employees are not required to actually join a union; each employee can decide for himself whether or not to join the union.

The County will automatically deduct an Agency Shop fee for all new employees covered by a contract. If an employee wants to join a union, they should contact a union official to fill out the required forms.

If and when an employee joins a union, the Agency Shop fee will be changed to a dues deduction, however the amount of the deduction remains the same.

Section 208 of the Civil Service Law requires that unions must have a procedure for refunding a portion of an Agency Shop fee that the union uses in aid of activities or causes of a political or ideological nature only incidentally related to terms and conditions of employment.

New employees and employees who first became a part of the bargaining unit during the year should file for a refund within thirty (30) days of the date they start or become part of the bargaining unit. However if they fail to file within the 30 days, they can file in the following October and each October thereafter.

The complete Agency Shop Refund Procedure is given to all new employees and is available at the Personnel Office.

EMPLOYEE BENEFITS

In addition to the actual wages or salary which you earn, there are other substantial benefits that may be provided to you or for you, or for which you become eligible when you become a county employee.

These important benefits include such items as Health Insurance, Disability Insurance, Workers Compensation, membership in the New York State Retirement System, paid sick leave, holidays, vacations, bereavement pay, personal leave days, leave of absence without pay for certain specified reasons, and Unemployment Insurance and Social Security payments that are made on your behalf by your employer.

Some of these, such as Unemployment Insurance and Social Security, are of course required by law. However, every item is provided for YOUR personal benefit, but all are paid for wholly or in part by your employer.

The way in which other than legally required benefits are provided is governed by the terms of a Collective Bargaining Agreement. Therefore, you should refer to the Agreement for your bargaining unit on questions concerning your entitlement for any specific item(s).

LEAVES OF ABSENCE WITHOUT PAY

Leaves of Absence without pay may be granted to a permanent employee for a limited time period, where in the opinion of the department head such leave is justified, and the department can make the necessary arrangements. Such leave must be requested in writing and approved by the department head and the Personnel Office. Normally leaves of absences shall not exceed one year in length. However, in an exceptional case, the Personnel Office may, for good cause, permit an extension of the leave of absence up to a maximum of an additional one year. In no case may such leave of absence exceed an aggregate two years from the date of commencement of the leave, except as provided for by Military Law.

Leaves can normally be granted for the following purposes: maternity, child care, extended illness, education purposes, to serve in another position in the County, military service.

In unusual circumstances a leave of absence without pay may be granted by the department head and approved by the Personnel Officer for reasons other than those cited here. Leaves of absence will not be granted for the purpose of accepting employment with another employer.

FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act of 1993 requires covered employers to provide, within a 12 month period, up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

Further information regarding the Family and Medical Leave Act and the Family Leave Request Form can be obtained from the Personnel Office.

MILITARY LEAVE OF ABSENCE

An employee entering active military duty is entitled to a leave of absence from his or her position while engaged in and while going to and returning from military duty. The right to this leave is provided for in the Military Law, and is not at the discretion of the appointing officer. This provision applies to reservists, draftees and volunteers equally.

An employee who is ordered to duty for training purposes in the National Guard or any reserve force is entitled to remain on active pay status for a total of thirty calendar days (or 22 working days) per calendar year, by law. Delaware County entitles these employees to thirty working days. A copy of the Military orders must be submitted with the leave request.

VETERAN'S EDUCATIONAL LEAVE

Any veteran who is qualified to receive education, training or vocational rehabilitation under law shall be granted leave without pay for this purpose, provided that school attendance precludes employment in his or her County position. Such leave will only be granted for a maximum of four years and terminates before that time if the employee stops attending school or exhausts his or her veteran's benefits.

The failure of an employee to return to his or her position following the expiration of his or her authorized leave of absence or extension thereof, may subject the employee to disciplinary action including suspension and/or discharge.

VACATIONS

Vacations are earned and may be taken by employees according to the schedules and rules contained in your Collective Bargaining Agreement. In addition, a few rules apply to the use of vacation time by all County employees. Please refer to your collective bargaining agreements for more information. The county may limit the amount of vacation carry over from year to year.

The Personnel Office is responsible for computing and crediting vacation allowances for all employees. Vacation is credited to employees as of January 1 of each year. At the beginning of each year, the Personnel Office provides each department with a list of employees and their vacation entitlement for the year. Employees are encouraged to check this list and advise their department of any discrepancies as soon as possible.

Vacation must be earned before it can be taken. The scheduling of vacations must be approved by the department head or his or her designee in advance and such approval is subject to the work requirements of the department or work unit. While sincere efforts are made to try to schedule vacation at times desired by the employee, staffing requirements of the work unit must necessarily assume precedence.

In case of resignation or retirement, unused vacation credits will be paid either by continuing the employee on the payroll until all vacation is used or by lump sum payment. Normally lump sum payments will be made the first payday following separation. In case of the death of an employee earned and unused vacation will be paid in a lump sum to the estate of the deceased.

PERSONAL LEAVE

Employees are credited with and may use Personal Leave in accordance with the provisions of the Collective Bargaining Agreement. Although there are no restrictions as to what Personal Leave can be used for, its use must be approved in advance by the department head or his or her designee, and such approval is subject to the work requirements of the department or work unit. Departments may establish certain requirements concerning how far in advance a personal leave request must be submitted within the terms of the applicable collective bargaining agreement. You should check with your department to ascertain what these requirements may be. Personal leave is not accumulative from year to year.

SICK LEAVE

Employees are credited with and may use Sick Leave in accordance with provisions of the Collective Bargaining Agreement. The Personnel Office is responsible for crediting sick leave and maintaining records of sick leave used. Generally sick leave is credited the first day of each month. It must be earned before it can be used.

Employees may accrue unused sick leave up to the maximum allowed in the Collective Bargaining Agreement. Employees reaching the maximum will not be credited with additional sick leave until such time as they use some of their accrued sick leave and their total falls below the maximum allowed. Sick leave not credited to an employee during the period he or she is at the maximum will not be credited later.

Departments may establish certain requirements concerning call in procedures for illness within the terms of the applicable collective bargaining agreement. Every employee should familiarize his/herself with these requirements.

In general, employees are not required to provide a doctors certificate for absences of three days or less, however, if an employee has established a pattern of abusing sick leave, the department may require a doctor's certificate for any absence.

Excessive use of sick leave can disrupt the day to day operation of your department and can put an added burden on your fellow employees. Employees should be aware that abuse of sick leave is grounds for disciplinary action including possible suspension and/or discharge. Such importance is placed on the appropriate use of sick leave that the Collective Bargaining Agreement contains provisions to penalize those employees who use more than a certain number of sick days per year by reducing the number of sick days earned in the following year.

Employees who use few sick days are rewarded by earning extra vacation time the following year. There are also benefits to maintaining adequate time on the books in case extended illness or injury. You should review you Collective Bargaining Agreement for details.

OFF THE JOB DISABILITY INSURANCE

The County provides those employees who are eligible for benefits such as vacation, sick leave, etc. with disability insurance. The purpose of this insurance is to provide temporary cash benefits to employees who are disabled by an OFF THE JOB injury or illness. A pamphlet describing disability insurance is included in the employment package for new employees. Other employees may obtain a copy of the pamphlet at the Personnel Office. Please refer to your Collective Bargaining Agreement to determine who assumes the cost of this insurance.

All disability claims are processed through the Personnel Office. To file a claim, you should obtain a claim form from the Personnel Office and complete the claimant's statement section of the form, have your physician complete the Doctor's Statement and **return the claim form to the Personnel Office.** Do **NOT** send the claim to the Insurance carrier.

Employees who become disabled off the job and who are entitled to sick leave may elect to use their sick leave or to receive disability payments. However, they may not be paid both simultaneously. Even though an employee elects to use his or her sick leave first, a disability claim should be filed immediately. This will ensure that payments are made as soon as an employee is eligible. Claims filed more than 20 days after a disability begins normally will not be paid.

Questions concerning disability insurance should be directed to the Personnel Office.

RETIREMENT

Delaware County employees are eligible for membership in the New York State Employees Retirement System which provides for service retirement and also for benefits in the event of death or disability. The Personnel Office is available to provide assistance with matters related to retirement, however, the State Retirement System views certain matters concerning an individual's retirement status as a personal matter between the employee and the Retirement System and will not release information to anyone other than the employee or one legally authorized to act for him or her. Therefore, it may be necessary for employees to address certain questions in writing to the New York State Retirement System, Albany, New York 12244. General information can be obtained by calling the New York State Retirement System at 518-474-7736 or toll free 1-866-805-0990 or www.osc.state.ny.us. In addition a State Field Representative is available at various locations throughout the State; see your retirement information booklet for the locations and times. These Field Reps counsel individuals and answer questions on a first come first serve basis only. No appointments are scheduled in advance.

The Personnel Office can provide you with a variety of forms related to retirement such as requests for estimates, withdrawal of contributions, requests to re-employ a retired person, etc. Employees approaching retirement may wish to contact the Personnel Office to obtain assistance in completing the required paperwork, etc. Although the Personnel Office attempts to ensure that all employees are given the opportunity to join the retirement system when they become eligible, **each employee is responsible for his/her status under the retirement system.**

There are four distinct classes of membership under the Retirement System depending on when you first joined the system. Tier I members are those who last became members on or before June 30, 1973. Generally Tier II members are those persons who last became members on or after July 1, 1973, and on or before July 27, 1976. Tier III members are those persons who last became members on or after July 27, 1976 and prior to September 1, 1983. Tier IV members are those persons who last became members on or after September 1, 1983. Although similar, there are certain variations in the retirement plan for each tier with respect to employee contributions, benefits, retirement age and so forth. Please note that if you were a member of the New York State Retirement System prior to being employed by the County, your Tier status may be determined by your previous public employment and not the date you were employed by the County. However, the rules and regulations governing membership and benefits are complicated, therefore, each case can only be considered on an individual basis.

Membership in the retirement system is **mandatory** for any fulltime permanent employee employed on or after July 27, 1976. Membership for parttime, permanent parttime or fulltime temporary or provisional employees is optional. Those employees electing not to join the retirement system will be required to sign a retirement waiver at the time they complete their employment forms. Employees electing not to join the retirement system may join the retirement system at any time while membership is optional by completing the appropriate paperwork in the Personnel Office.

Whereas the retirement law is so extensive and complex it is impossible to provide detailed information here relative to membership and benefits. In addition to this handbook, new employees will receive a booklet describing retirement benefits and membership requirements. Other employees may obtain a booklet at the Personnel Office.

DEFERRED COMPENSATION

Delaware County offers a deferred compensation plan for all County employees. The following is a brief summary of the plan:

1. Authority - Internal Revenue Code, Section 457.
2. Employees may defer (contribute) a portion of their salary to a retirement account and not pay current Federal or State income taxes on (a) the amount contributed or deferred and (b) any earnings on the amount deferred
3. Plan administrator - Nationwide Retirement Solutions (Formerly PEBSCO)
4. Investment options - Amounts deferred may be placed in a variety of account options including fixed and variable return investment.
5. Limits on amounts deferred - Minimum \$10.00 per pay period. Maximum amount varies.
6. Deferrals are made by payroll deduction.
7. Withdrawal restrictions - Some restrictions apply. You may contact Nationwide regarding these restrictions.

The foregoing is intended to be only a brief description of the County's Deferred Compensation Plan. Additional information can be obtained by contacting the Personnel Office.

HEALTH INSURANCE

Delaware County provides eligible employees with Blue Cross Plan to cover hospital expenses and Blue Shield to cover physician expenses and Major Medical to cover bills which exceed the basic Blue Cross-Blue Shield coverage. Also available provided through Blue Cross Blue Shield is an HMO, Blue Point 2 and a PPO health insurance plan. Prescription coverage is provided through Blue Cross Blue Shield. A dental plan through The Guardian is available as an alternative to prescription coverage or in addition to other coverage.

Entitlement to health insurance and who pays for the cost of the health insurance are contained in your Collective Bargaining Agreement.

The County's health insurance program is administered by the Personnel Office. This office signs up new employees, records changes in coverage, distributes contracts, identification cards and provides informational brochures concerning coverage, provides claims assistance and other related functions.

A word of caution: **It is the responsibility of individual employees to ensure that they have the correct**

health insurance coverage. Eligible employees are given the opportunity to obtain coverage at the time they complete their employment forms in the Personnel Office. However, subsequent to this, all changes affecting employee coverage including marital status (marriage, divorce or separation), change of address, death of a spouse or family member, addition of a dependent, employee or spouse attaining age 65 and becoming eligible for enrollment in the Federal Medicare program or a dependent reaching their nineteenth birthday, who is no longer a fulltime student, must be reported by the covered employee to the Personnel Office **immediately.** Fulltime students are eligible for coverage until age 23 if covered by BC/BS, age 25 through Blue Point 2 and the PPO plan.

Failure to report changes and complete the appropriate paperwork could result in lack of adequate coverage for you and your family.

A change in employment status from parttime to permanent parttime or fulltime or vice versa will affect your eligibility for health insurance coverage. In each of these instances the Personnel Office attempts to ensure that the appropriate change in coverage is made. **However, again, the prime responsibility for ensuring that you have the correct coverage remains with YOU.**

Your health insurance coverage becomes effective the first day of the month following the month you become eligible and complete the necessary paperwork. Health insurance coverage for employees whose service with the County ceases on or before the 15th of the month is effective until the end of the month in which they leave. Coverage for employees whose employment ceases after the 15th of the month is effective through the end of the following month.

In general, employees terminating their employment with the County will be offered the opportunity to continue their health insurance coverage including the County's prescription card plan for a specified period of time pursuant to Federal regulations commonly referred to as COBRA. However under COBRA, employees must pay 100% of the cost of their coverage. Employees electing not to stay on the County policy under COBRA will have the right to convert to their own policy, however there are no conversion privileges for the prescription card plan. Employees staying on the County policy under COBRA will also have the right to convert to their own policy at the time their COBRA rights end. COBRA regulations and other conversion issues of health insurance are complex and subject to change, therefore you should contact the Personnel Office to discuss your health insurance coverage if you expect to leave County employment.

Those eligible employees and/or dependents who do not enroll at the time they first become eligible can only be enrolled at what are called "re-opening dates". The County's current re-opening date is January 1st of each year. Changes must be made in December.

Because health insurance provisions are by necessity quite detailed, please refer to the actual copies of insurance contracts that are provided to you in order to determine the specifics of coverage. Brochures describing in general what is covered and not covered under our health insurance plan and how to claim benefits may be obtained at the Personnel Office.

There may be a delay between the time your health insurance becomes effective and the time you receive your contract and identification card. If you find it necessary to use your health insurance before receiving a contract or identification card you should provide the hospital or doctor with the following information: name and address of your insurance company, your social security number and your group ID number if applicable. If you are unsure of any of this information, please contact the Personnel Office.

The circumstances under which the County will continue to assume the cost of your health insurance in the event you become disabled and you do not have sufficient paid sick leave to cover the duration of your disability are contained in the Health Insurance section of your Collective Bargaining Agreement. In

general, when your department head and the Personnel Office approves a leave of absence for disability or personal reasons, you will receive a notice from the Personnel Office indicating the duration of the approved leave, the period for which the County will continue to pay premiums, and when it will be necessary for the employee to make direct payment to the Personnel office with checks made payable to the Treasurer's Office in order to continue coverage.

Pre-Tax premium program: By enrolling in the Delaware County Pre-Tax premium program, you can save State, Federal and Social Security taxes on the money you spend for your group-sponsored insurance premiums. Any premium contribution you pay through your group is deducted from you paycheck before taxes are taken out, thus, your taxable income is smaller, so you pay less taxes on the money you earn. That's more money for you to take home. Participation in the pre-tax premium plan is automatic when you enroll in a group health insurance plan. If you DO NOT wish to participate in this program, and choose to pay your share of premiums "after tax", you must sign a waiver and file it at the Personnel Office. This election cannot be changed until the end of the plan year.

UNEMPLOYMENT INSURANCE

Unemployment insurance's primary purpose is to provide temporary financial assistance to workers who may become unemployed through no fault of their own, until they can locate other suitable employment.

The conditions under which a person may be eligible for Unemployment Insurance payments, the amount of individual payments, and the maximum period for payments are all determined by the New York State Department of Labor, and are subject to amendment or change. Therefore, questions concerning unemployment benefits must be directed to an Unemployment Insurance Office.

Registering for unemployment benefits can be done by telephone 1-888-209-8124 or at the New York State Department of Labor website at www.labor.state.ny.us as the link to information for claimants: filing a claim.

All County unemployment insurance matters are administered by the Personnel Office.

CIVIL SERVICE AND THE MERIT SYSTEM

The constitution of the State of New York reads in part, "Appointments and promotions in the Civil Service of the State and all the civil divisions thereof.....shall be made according to merit and fitness to be ascertained as far as practicable, by examination which as far as practicable shall be competitive." As a County employee you are a part of the merit system. The Laws and Rules which spell out how the merit principle is to be carried out are contained in the Civil Service Law and the Delaware County Civil Service Rules. These laws and rules are by necessity both extensive and complex. This handbook will give you only some basic information concerning the merit system and your rights under Civil Service Law. Specific questions concerning Civil Service and your rights should be directed to the Personnel Office.

The Personnel Office is responsible for prescribing, amending and enforcing rules pursuant to the State Civil Service Law. These rules are contained in the "Civil Service Rules for Delaware County and its Political Subdivisions". Copies of the rules are available for review in your department and/or the Personnel Office.

Once adopted by the Personnel Office and approved by the State Civil Service Commission, these rules have the force and effect of law.

The State Civil Service Law and the Delaware County Civil Service Rules prescribe the procedures which units of County government must follow in the recruitment, examination, selection, promotion, and discipline of public employees.

Positions under Civil Service fall within a number of different categories or jurisdictional classifications. The State Civil Service Commission makes the final decision as to jurisdictional classification of County positions, that is, whether they will be in other than the competitive class; i.e. in the non-competitive, exempt, labor class or if they will be part of the unclassified service. To place a position in other than the competitive class, the Personnel Office must adopt a resolution requesting that the State approve a position in the non-competitive, labor or exempt class or in the unclassified service. A public hearing is held on the resolution before it is forwarded to the State for consideration. If approved by the State, the title is added to the appropriate Appendices of the Delaware County Civil Service Rules.

Unclassified Service: Positions in the unclassified service include primarily all elected positions, including the Board of Supervisors, County Treasurer, Sheriff, County Clerk, and the District Attorney. Several appointed positions are also included in the Unclassified Service. These are listed in Appendix D of the Civil Service Rules.

Classified Service:

1. Competitive Class: Positions in this class are filled from Civil Service eligible lists which are established after applicants compete in examinations. If no eligible list exists for a title, a person may receive a provisional appointment until an exam is given, and an eligible list is established. Civil Service Law requires that appointments must be made from one of the top three persons on the list by score, who are ready, willing, and able to accept appointment when it is offered.
2. Non-Competitive Class: This class includes positions for which it is not practicable to use examinations. For instance, Registered Professional Nurse, Licensed Practical Nurse, and Cooks are included in this class. Non-competitive positions are contained in Appendix B of the Civil Service Rules. Although appointments are not made from a list, all appointees must meet all training and experience requirements as stated on the formal position specification (job description) for the title.
3. Labor Class: These positions are not filled through competitive examination. Generally, no training or experience requirements are established for these positions and appointments are made at the discretion of the appointing authority. Labor class positions are listed in Appendix C of the Civil Service Rules.
4. Exempt Class: Positions in this class do not require examinations, nor are formal qualifications established for the positions. By law, all positions in this class involve either highly confidential or policy-making functions.

KINDS OF APPOINTMENTS

Several distinct kinds of appointments can be made to positions in the Jurisdictional Classes just described:

1. **Permanent Appointment** can be made only to a position in any jurisdictional class in which there is a permanent vacancy. (That is, to a position to which no other employee has a prior claim.) All permanent appointments to competitive class positions must be made from applicable eligible lists.

2. **Provisional Appointment** under Civil Service Law is only considered a stopgap method of filling vacancies and may only be made whenever there is no appropriate eligible list available for filling a vacant competitive position.

- Persons receiving a provisional appointment are required to take a Civil Service examination at such time as one is scheduled by the State. In order to continue their employment and to be eligible for permanent appointment, a provisional must place in the top three scores of those persons passing the examination and who are willing to accept the position. If three other people score higher on the exam and are willing to accept the position, then the provisional must be terminated.
- If a provisional fails an examination and three other people pass and are willing to accept the position, the provisional must be terminated.
- If a provisional fails the examination and fewer than three other people pass the exam and are willing to accept the position, the provisional may be given a second chance to take the examination.
- If the provisional fails an examination the second time and even one other person passes the exam and is willing to accept the position, the provisional must be terminated. If no one else passes the second examination or if no one passing the exam is willing to accept the position, the provisional may be given a third and final opportunity to take an examination.
- If a provisional fails an examination a third time, they must be terminated regardless of whether or not anyone else takes or passes the examination.
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3. **Temporary Appointments** are made under several different sets of circumstances. The most common being to fill a vacancy which exists because an employee having a prior claim to the position is on an approved leave of absence.

- Another circumstance is that occasionally a question concerning the Civil Service or administrative status of a title or position must be resolved before an appointment to the position can be made on either a provisional or permanent basis. (Example: When the State Civil Service Commission has not assigned a newly created title to a Jurisdictional Class.)
- A third is when a permanent incumbent has received a provisional or temporary assignment to a higher level position and retains the right to return to his former position.
- Yet a fourth situation is where temporary appointment is made to any position which is created only for a specific limited period of time, usually less than one year (12 months).
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4. A **Seasonal Appointment** is made to a position which is not continuous throughout the year, but which recurs in each successive year.

NOTES

Service under provisional appointment does not confer or establish any prior right toward any permanent

appointment. In order to receive permanent appointment the provisional appointee must be reachable on the eligible list when it is established.

If a Competitive Class employee with permanent status is appointed to a higher graded and more responsible position in the same department, on either a temporary or provisional basis, he or she retains a permanent status in the lower level position, and may return to it if permanent status is not gained under the higher graded title.

If a Competitive Class employee with permanent status in one department is offered a temporary or provisional appointment to a higher graded title and position in another County department, he or she MAY be granted a leave of absence by the Department Head of their original department in order to accept such appointment. Approval of leaves of absence for this purpose are not automatic, but must depend on departmental policy and the staffing requirements of the original department.

If the request for leave is NOT GRANTED, such employee would have to resign his/her permanent position in order to accept appointment under the higher title in the new department. If permanent status is later achieved under the higher title, all continuous service since the date of first permanent appointment in the classified service is counted toward seniority for retention purposes. However, if the Competitive class employee resigns his permanent position in one department to accept a temporary or provisional appointment in another department and does not gain permanency either in the higher title, or under another Competitive class title, he will have relinquished his original permanency under Civil Service and also any re-call rights.

PROBATIONARY PERIODS

New employees and current employees promoted to a higher level position must satisfactorily complete a probationary period. The purpose of the probationary period is twofold. It gives the employee an opportunity to demonstrate that he/she can learn and satisfactorily perform a particular job, and it gives the supervisor an opportunity to observe and evaluate an employee's performance on the job.

Probationary periods for most positions are for a minimum of 8 weeks and a maximum of 26 weeks.

Following the completion of the minimum 8 week probationary period and prior to completion of the maximum probationary period, an employee may be removed from his/her position for unsatisfactory job performance without a formal hearing.

Time served under provisional or temporary appointment does not count toward completion of a probationary period in that title.

Questions concerning probationary periods should be directed to the Personnel Office.

RESIGNATION

Rule XX of the Delaware County Civil Service Rules provides:

1. Resignation in writing: Except as otherwise provided herein, every resignation shall be in writing.
2. Effective date: If no effective date is specified in a resignation, it shall take effect upon delivery to or filing in the office of the appointing authority. If an effective date is specified in a resignation, it shall take effect on such specified date. However, if a resignation is submitted while the employee is on a leave of absence without pay, such resignation, for the purpose of determining eligibility for reinstatement, shall be deemed to be effective as of the date of the commencement of such absence. Notwithstanding the provisions of this section, when charges of incompetency or misconduct have been or are about to be filed against an employee, the appointing authority may elect to disregard a resignation filed by such employee and to prosecute such charges and dismiss employee from the service. The termination shall be recorded as a dismissal rather than a resignation.
3. Withdrawal or amendment: A resignation may not be withdrawn, canceled or amended after it is delivered to the appointing authority, without the consent of the appointing authority.

Except in emergency situations, employees are expected to give a minimum of 10 working days notice prior to their last working day. Please check the collective bargaining agreement for impact of accrued benefits if this notice is not given.

CIVIL SERVICE EXAMINATIONS

The portions of Civil Service Law that cover examinations and eligible lists are quite detailed. We can, therefore, give only a capsule overview of exam procedures.

Most Delaware County exams are actually prepared and scored by the State Civil Service Department in Albany. Scoring often takes 2 to 4 months after an exam is given.

Exam announcements are normally publicized for at least 1 month prior to final filing date. No applications can be accepted after the final filing date. There is a \$10.00 or \$15.00 filing fee for EACH examination applied for.

Exams are given approximately one month after the final filing date. All applicants must complete a separate formal application for each exam. **Resumes will not be accepted as a substitute for your application but will be accepted only as an addition to your application.**

Applicants are notified by mail whether they qualify to take the examination or not, and if qualified, where and when the exam is scheduled. Sufficient time is allowed for those who have been disqualified to appeal for admittance to examination.

After exams are scored, those who participated are advised by mail of their score and of their relative standing on the resulting eligible list. Band scoring is used to score all New York State civil service examinations. This is a method by which different raw scores receive the same final score. The pass point is set before score bands are determined; no one moves from fail to pass as a result of band scoring. In a promotional examination, seniority points are added to the raw score prior to applying the total raw score to bands. Veterans credits are added to the final score.

Examinations are scheduled on Saturdays, usually in Delhi at the County Office Building or Delaware County Public Safety Building. Special arrangements for testing can be made for Sabbath Observers and handicapped persons if such a request is made on the candidates exam application.

OPEN COMPETITIVE EXAMINATIONS

Anyone who meets the minimum qualifications and residency requirements may participate in an open competitive examination. Normally, candidates must be residents of Delaware County or contiguous counties in order to participate in an examination. However, residency requirements may be changed by the Personnel Officer in cases where requirements disadvantageous to the public interest.

Once a list has been established as the result of an open competitive examination given to fill a County position, individuals who were residents for at least four months prior to the time of the exam may be given preference in appointment over non-residents.

Although preference may be given to County residents, in order to be reachable for appointment, an individual must be among the top three eligibles of those residents who are ready and willing to accept a position.

PROMOTIONAL EXAMINATIONS

Promotional examinations are given to fill positions which are above the entry level. Entry level positions are positions such as Typist, or Clerk which require minimal prior experience or education.

Normally participation in promotional examinations is restricted to employees in the department where a vacancy occurs and to department employees who hold a lower title in a line of promotion. An example of a line of promotion would be Caseworker, Senior Caseworker, and Case Supervisor Grade B. In order to be eligible to participate in a promotion examination, a candidate must have been employed in a competitive class position on a permanent basis in a lower grade. The Personnel Officer determines the minimum period of such service for eligibility to enter a promotion examination. Individuals participating in and passing promotional exams will have points added to their score based on the number of years of permanent service. Announcements for promotional examinations contain specific information concerning eligibility for participation, seniority credits, etc.

The same rules apply for promotions as for other competitive appointments. To be appointed permanently an employee must pass the examination and be in the top three of those individuals who take and pass the promotional exam and are willing to accept the position.

Whenever a promotional examination is given, an open competitive examination may be given at the same time. The names on the promotional list are certified before any names are certified from an open competitive list.

If an employee with permanent competitive class status is promoted to a higher level position temporarily or provisionally, his rights to return to the lower position are protected, unless during the time he is serving in the higher level position, the position in which he held permanent status is abolished for budgetary reasons. In such case, if other positions exist within the lay-off unit under the title in which he/she held permanent status, he/she may displace the least senior employee serving under that title, seniority permitting. If the employee cannot so displace or "bump" within the department, his or her name is put on a preferred list according to his/her seniority date.

VETERAN'S CREDITS FOR APPOINTMENT

Military veterans who have served in time of war can receive additional credit toward permanent open competitive class appointments. This credit consists of an additional 5 points added, for a non-disabled veteran, to the actual test score of an open competitive exam and 10 points to be added for a disabled veteran (at least 10% disability recognized by the U.S. Veteran's Administration). Half of these points can be applied toward the score on a promotional exam.

A Veteran must attain a passing score of 70 on the examination BEFORE Veteran's credits can be applied toward appointment. A candidate may choose to use his/her credits on any given appointment.

Veteran's credits can be used only once for any Civil Service appointment anywhere in the State of New York.

ELIGIBLE LISTS

Eligible lists contain only the names of those applicants who have received passing scores on Civil Service examinations. Eligible lists are public information. Any person may examine any eligible list upon request at the Personnel Office. The names of persons who have not received passing scores are never disclosed to the public.

Eligible lists remain in effect for one year from the date they are established, unless:

1. The list is exhausted in less than one year.
2. The list is extended by the Personnel Office. Lists may be extended up to a maximum of four years. Those who remain on the eligible list will be notified, by mail, of any extension.

CANVASS OF ELIGIBLE LIST

After an eligible list is established for any title, any department which has openings under that title must request a list of certified eligibles from the Personnel Department.

Canvass letters are then sent to eligibles to see if they are interested in the position. Appointment must be made from one of the top three names on the list who are willing and able to accept the appointment.

The name of any person who does not respond to a canvass in five days or who declines appointment will not be certified for that particular opening.

If your name appears on an Eligible List, and your address changes, either after taking the exam, or after the list is actually established, it is your responsibility to notify the Personnel Office, in writing, of your change in address. Otherwise there is no way of contacting you concerning job openings.

DELAWARE COUNTY POLICIES

CODE OF ETHICS

Pursuant to the provision of Section 806 of the General Municipal Law, the Delaware County Board of Supervisors adopted Resolution #86, dated October 14, 1970, which established a Code of Ethics for all officers and employees of the County. This code of conduct was adopted on the premises that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained, and if public confidence is to be maintained in government. The following rules established by Resolution #86 shall serve as a guide for official conduct by officers and employees of the County of Delaware. These rules of ethical conduct shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interests in contracts of municipal officers and employees.

DEFINITIONS:

(A) "Municipal Officer or Employee" means an officer or employee of the County of Delaware, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(B) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

STANDARDS OF CONDUCT: Every officer or employee of the County of Delaware shall be subject to and must abide by the following standards of conduct:

(A) Gifts: Officers or employees shall not directly or indirectly solicit any gift; or accept or receive any gift having a value of \$25.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on their part.

(B) Confidential Information: Officer or employees shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

(C) Representation Before One's Own Agency: Officers or employees shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which they are an officer, member or employee of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.

(D) Representation Before Any Agency for a Contingent Fee: Officers or employees shall not receive or enter into any agreement, express or implies for compensation for services to be rendered in relation to any matter before any agency of their municipality, whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(E) Disclosure of Interest in Legislation: To the extent that they know thereof, a member of the Board of Supervisors and any officer or employee of the County of Delaware, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Supervisors on any legislation before the Board of Supervisors shall publicly disclose on the official record the nature and extent of any direct or indirect financial or their private interest they have in such legislation.

(F) Investments in Conflict with Official Duties: Officers or employees shall not invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction, which creates a conflict with his official duties.

(G) Private Employment: Officers or employees shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.

(H) Future Employment: Officers or employees shall not, after the termination of service or employment with such municipality, appear before any board or agency of the County of Delaware in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand, or suit against the County of Delaware, or any agency, thereof, on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

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

COUNTY SMOKING POLICY

Pursuant to Section 1399-o of the New York State Public Health Law, it shall be the policy of the County of Delaware that nonsmokers using County owned or operated facilities shall not be exposed to second-hand tobacco smoke and that all employees will be provided a smoke-free work area hereinafter provided.

Public Access Areas: No person, including but not limited to employees, the general public, clients, vendors, salespersons, etc., shall smoke in any indoor area or portion thereof of any County owned or operated building or area.

Non-Public Access Areas: There shall be no smoking in any indoor area or portion thereof under the control of the County of Delaware in which employees of the County perform services but which are not generally accessible to the public including but not limited to offices, regularly assigned work areas, County owned vehicles, employee cafeterias, lunch rooms, break areas, lounges, etc.

Departments may only adopt internal smoking policies that are consistent with this policy and the law. All departmental smoking policies shall be subject to the review and approval of the Personnel Office prior to adoption and implementation.

Departments shall prominently post this policy and any departmental smoking policies and shall supply a copy upon request to any existing or prospective employee. The Personnel Office shall provide each new employee with a copy of this policy.

The Personnel Office shall coordinate the implementation of this policy and Article 13E for all County departments, and ensure that appropriate signage is installed in all County buildings.

Department Heads shall:

1. Be responsible for insuring that this policy and the law are implemented and adhered to within the County building(s) or areas of County building(s) for which they are responsible.
2. Designate an individual responsible for informing individuals (public and employees) smoking in an area in which smoking is not permitted, that they are in violation of the law and this policy.

Employees who smoke in non-smoking areas are in violation of New York State law and/or this policy and are subject to appropriate disciplinary action.

DRUG FREE WORKPLACE

Pursuant to the Drug-Free Workplace Act of 1988 passed by Congress, and Resolution Number 116 of 1991 passed by the Delaware County Board of Supervisors, it shall be the policy of the County of Delaware that a drug-free workplace shall be maintained. The Personnel Office is responsible for coordinating the Drug-Free Workplace policy with the assistance of the Mental Health, Drug Abuse and Alcoholism agencies of the County.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace. Employees who violate this prohibition shall be subject to discipline in accordance with relevant provisions of the Civil Service Law. Disciplinary action may result in the termination of employment, or such other action as is deemed appropriate, including requiring the employee to satisfactorily participate in an approved drug rehabilitation program.

Delaware County's Responsibilities under this Act:

WE HAVE TO TELL YOU THAT YOU CAN'T BRING IN, MAKE, DISTRIBUTE OR SELL, USE OR EVEN HAVE WITH YOU DRUGS WHEN YOU'RE HERE.

WE HAVE TO INFORM YOU OF THE DANGERS OF DRUGS IN THE WORKPLACE.

WE WILL TELL YOU WHAT IS AVAILABLE TO YOU.

WE HAVE TO PROVIDE YOU WITH OUR WRITTEN POLICY (a copy of which is provided each employee at the time of employment)(copies are available at the Personnel Office).

WITHIN 30 DAYS OF YOUR TELLING US ABOUT A WORK RELATED CONVICTION, WE MUST EITHER:

- 1. DISCIPLINE YOU - RIGHT UP TO DISCHARGING YOU, OR*
- 2. OFFER YOU ANY HELP AVAILABLE TO COMBAT YOUR INVOLVEMENT WITH DRUGS*

The Employee's Rights and Responsibilities under the Act:

YOU HAVE TO READ OUR POLICY STATEMENT (provided at time of employment).

YOU HAVE TO AGREE TO ABIDE BY THE RULES OF OUR DRUG-FREE WORKPLACE. WE CAN DISCHARGE YOU IF YOU DON'T.

YOU HAVE THE RIGHT TO KNOW WHAT HELP IS AVAILABLE TO AID YOU IN OVERCOMING AN INVOLVEMENT WITH DRUGS.

*IF YOU'RE CONVICTED OF A CRIMINAL DRUG VIOLATION IN OUR WORKPLACE, **YOU** HAVE TO TELL US **WITHIN FIVE DAYS** AFTER THE CONVICTION.*

*IF YOU ARE CONVICTED, WE MAY OFFER A PROGRAM TO HELP YOU INSTEAD OF DISCIPLINING YOU. IF YOU AGREE TO ACCEPT HELP, **YOU** MUST SATISFACTORILY COMPLETE THE STEPS AGREED ON OR RISK LOSING YOUR JOB.*

SEXUAL HARASSMENT

Sexual harassment is a form of sexual discrimination. It is illegal and violates Section 703 of Title VII of the Civil Rights Act of 1964 as amended, and the New York State Human Rights Law. Pursuant to Resolution Number 204 of 1993 passed by the Delaware County Board of Supervisors, it shall be the policy of the County of Delaware that every employee of Delaware County government shall be entitled to a work environment free from sexual harassment.

Sexual harassment is considered a form of employee misconduct. Individuals engaging in sexual harassment and supervisory/managerial personnel who knowingly allow such behavior to continue are subject to disciplinary action.

Employees who believe they have been subject to sexual harassment by a co-worker should first discuss the matter with their supervisor. If the problem is not resolved, an employee should discuss the matter with their Department Head. If the Department Head fails to resolve the problem to the employee's satisfaction, the employee should discuss the matter with the Personnel Officer. If still unsatisfied, the employee may choose to contact the New York State Division of Human Rights, Alfred E. Smith State Office Building Campus, Albany, NY 12225 (518-474-2705) or the Equal Employment Opportunity Commission, 1 West Genesee St., Buffalo, NY 14220 (716-846-4441).

If the sexual harassment is by a supervisor, the employee should discuss the matter with their Department Head, then follow the foregoing procedure. If the sexual harassment is by a Department Head, the employee should discuss the matter with the Personnel Officer.

Allegations and complaints of sexual harassment will be swiftly and thoroughly investigated by the County to substantiate same. Because of the sensitive nature of the issue of sexual harassment, particular efforts will be made to conduct investigations with due regard for the confidentiality of the complainant and the alleged violator. The rights of both complainant and alleged violator shall be protected.

Retaliation against employees who report sexual harassment or who cooperate in the investigation of a sexual harassment charge will not be tolerated. Such retaliation or harassment will be cause for disciplinary action.

In the event sexual harassment has been determined to exist, the situation will be monitored closely by departments to ensure that the harassment does not continue.

Further information can be obtained from the Delaware County Personnel Office.

THE HATCH ACT

The Hatch Act: Its Importance to State and Local Government Employees:

In 1939, Congress approved landmark legislation known as the Hatch Act which limits the political activities of federal employees, employees of the District of Columbia government, and certain employees of state and local governments. With the enactment of the Hatch Act, regulations governing the political activities of these employees were written into the United States Code for the first time.

In passing the Hatch Act, Congress determined that partisan political activity by federal employees, employees of the District of Columbia government, and certain employees of state and local governments must be limited for public institutions to function fairly and effectively. Through the years, various challenges to the Hatch Act have only reaffirmed this basic premise.

Who Is Covered? The Hatch Act restricts the political activity of an individual principally employed by a state or local executive agency in connection with a program financed in whole or in part by federal loans or grants. The following list offers examples of the types of programs which frequently receive financial assistance from the federal government: public health, public welfare, housing, urban renewal and area redevelopment, employment security, labor and industry training, public works, conservation, agricultural, civil defense, transportation, anti-poverty, and law enforcement programs. Usually, employment with a state or local agency constitutes the principal employment of the employee in question. When an employee holds two or more jobs, principal employment is generally deemed to be that job which accounts for the most work time and the more earned income.

As a final note, state and local employees subject to political activity laws continue to be covered while on annual leave, sickleave, leave without pay, administrative leave or furlough.

Hatch Act provisions do not apply to:

- 1) Individuals who exercise no functions in connection with federally financed activities; or
- 2) Individuals employed by educational or research institutions, establishments, or agencies which are supported in whole or in part by state or political subdivisions thereof, or by recognized religious, philanthropic or cultural organizations.

The law also exempts certain specified employees from the prohibition on candidacy for elective office. These exemptions include:

- 1) The governor or lieutenant governor of a state, or an individual authorized by law to act as governor;
- 2) The mayor of a city;
- 3) A duly elected head of an executive department of a state or municipality who is not classified under a state or municipal merit or civil service system; and
- 4) An individual holding public elective office. The latter exemption applies only when the elective office is the position which would otherwise subject the employee to the restrictions of the Hatch Act.

Political Do's and Don'ts For State and Local Employees: An individual principally employed by a state or local executive agency in connection with a program financed in whole or in part by federal loans or grants.....

- ...May be a candidate for public office in a nonpartisan election
- ...May campaign for and hold elective office in political clubs and organizations
- ...May actively campaign for candidates for public office in partisan and nonpartisan elections
- ...May contribute money to political organizations or attend political fundraising functions
- ...May participate in any activity not specifically prohibited by law or regulation
- ...May not be a candidate for public office in a partisan election

...May not use official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office

...May not directly or indirectly coerce contributions from subordinates in support of a political party or candidate

An election is partisan if any candidate for an elective public office is running as a representative of a political party whose presidential candidate received electoral votes at the preceding presidential election.

CAUTION: An employee's conduct is also subject to the laws of the state and the regulations of the employing agency. Prohibitions of the Hatch Act are not affected by state or local laws.

The Office of the Special Counsel: The Office of the Special Counsel is responsible for investigating reports or complaints of Hatch Act violations by covered employees of state and local governments.

If an investigation indicates a violation of the law, a written complaint for disciplinary action may be filed with the U.S. Merit Systems Protection Board (MSPB). A copy of the complaint is served on the offending employee. Full opportunity is provided to contest the charges, including a right to a hearing before the MSPB. The employee may be represented by counsel at all stages of the proceedings.

After consideration of the entire record, MSPB will notify the employee and the employing agency of its decision. If the MSPB finds the offense warrants dismissal from employment, the employing agency must either: (1) dismiss the employee, or (2) forfeit a portion of the federal assistance equal to two years' salary of the employee. If the MSPB finds the violation does not warrant the employee's discharge, no penalty at all is imposed.

This is intended to be simply a summary of the laws, regulations and policies governing the political activities of certain employees of state and local governments. Its intent is to provide a basic overview of permissible and prohibited political activities. Employees should not rely on the opinions of friends or co-workers when they have questions with regard to a specific political activity. Ignorance of the law does not excuse an employee's violation of the Hatch Act. Reliance on incorrect or unofficial information also does not excuse a violation. Employees with additional questions may review a handbook on this subject which is available in each department and the Personnel Office. Or they may obtain an advisory opinion by telephoning the Office of the Special Counsel or by submitting their questions, in writing, to the following address: Office of the Special Counsel, U.S. Merit Systems Protection Board, 1120 Vermont Ave., N.W. Washington, D.C. 20419 (telephone 202-653-7188).

COUNTY VEHICLE POLICY

The following policies and procedures shall apply to all County passenger cars, pick-up trucks and vans:

ASSIGNMENT OF VEHICLES:

1. Assignment of vehicles for conducting regular County business during normal work hours shall be governed by the availability of vehicles and shall be at the discretion of the appropriate department head or committee of the Board unless otherwise required by a collective bargaining agreement.
2. Unless the use of a County vehicle to drive to and from work cannot be discontinued because it would violate the principle of past practice, and could result in an unfair labor charge, no County employee or officer shall drive a County vehicle to and from work on a regular basis, unless specifically authorized by the Board of Supervisors.

VEHICLE RECORDS:

All departments who own or have County vehicles assigned to them will maintain the following records:

1. A listing of department employees with a copy of current drivers license authorized to drive County vehicles and the vehicles assigned to them. It is the employees responsibility to report any changes in driving status to their employer.
2. Written procedures for the assignment of vehicles.
3. Written procedures regarding the service and repair of vehicles.
4. Vehicle logs which identify each vehicle by year, make and number, and which include the following information:
 - a. the name of driver
 - b. date driven
 - c. purpose of trip
 - d. destination

Vehicle logs will be kept on file for a minimum of one year.

5. A file of complaints received concerning misuse of County vehicles assigned to their department, including action taken to investigate the complaint, result of the investigation, and action taken relative to the employee driving the vehicle if the complaint is substantiated.

MISCELLANEOUS

1. Except as prohibited by the nature of the work, all County vehicles will be clearly marked "Delaware County", numbered, and will show the name of the department.
2. Employing departments shall obtain a New York State affidavit and transcript of the driver's record from the Motor Vehicle Bureau for those potential employees who would be required to operate a motor vehicle.
3. Departments may adopt such additional policies and procedures regarding the assignment and use of County vehicles as they deem necessary, provided such policies and procedures are consistent with the policies and procedures contained herein.
4. All current and new employees who operate County vehicles shall be given a copy of these policies and procedures and any additional policies and procedures established by the various departments.

OPERATING REGULATIONS

1. Only authorized County employees, or drivers approved by this Board, who have a valid driver's license shall operate County vehicles.
2. Only County employees, clients, personnel on official County business or other individuals who approved by this Board, shall be transported in County vehicles. Board approval shall consist of a written request by a Department Head followed by approval of the concerned oversight committee, Insurance Committee and Board Chairman.
3. County vehicles shall be used for official County business only, except that stops on the direct route to and from work and during the employee's lunch hour shall be permitted to conduct personal business provided such stops are of a short duration, do not require any additional travel, and do not interfere with the employee's work.
4. Under no circumstances shall County vehicles be drive when the operator has been drinking alcoholic beverages or when the driver is under the influence of any drug or medication that would impair his or her ability to drive.
5. Vehicles shall at all times be operated in a safe manner and in accordance with all appropriate motor vehicle laws and regulations.
6. All accidents, damage to property or personal injuries involving a County vehicle shall be reported to the employee's department head or his or her designee immediately. In addition to a verbal report, the driver shall file with his or her department head a New York State Department of Motor Vehicle Accident Report (MV104).
7. All convictions of moving violations while operating a County vehicle shall be reported in writing to the employee's department head or his/her designee.

DISCIPLINARY PROCEDURES

1. Conviction of driving while intoxicated or while one's ability is impaired while operating a County vehicle shall be basis for termination of employment.
2. Loss of a driver's license by an employee required to operate a vehicle as part of their normal duties will be justification for removal of that employee from his or her position.
3. The first conviction of a moving traffic violation other than DWI or DWAI will normally result in a counseling memorandum being issued to the employee; a second conviction will result in a written warning; a third conviction will result in the loss of the use of the vehicle and/or other disciplinary action. This procedure may be modified based on the nature of the infraction, i.e. a more serious violating may result in an immediate warning or loss of use of vehicle or other disciplinary action, including suspension or termination of employment.
4. The first incident of unauthorized use of a County vehicle will normally result in a counseling memorandum being given to the employee, a second incident will result in written warning, a third incident will result in the loss of the use of a County vehicle and/or other appropriate disciplinary action. This procedure may be modified based on the nature of the unauthorized use, i.e. a serious misuse could result in an immediate loss of a County vehicle or other disciplinary action, including suspension or termination of employment. Failure to maintain a vehicle log as required or falsification of a log shall be considered as an unauthorized use of a vehicle.
5. Any disciplinary action taken against an employee pursuant to these policies shall be in accordance with appropriate disciplinary procedures established by law and/or a collective bargaining agreement.

MILEAGE/MEAL REIMBURSEMENT

Mileage for use of personal automobile while on official County business is a rate set by the Board of Supervisors. Documented parking fees and tolls which are actually and necessarily incurred while on County business shall be reimbursed when an employee is operating either a County or personal vehicle.

Reimbursement for meals while on official business outside Delaware County are established by the Board of Supervisors. The current reimbursement rate may be obtained from the your supervisor of the Personnel Department.

The foregoing meal allowances shall not apply in cases where a luncheon or dinner is scheduled as part of a conference for which the employee has received prior authorization; in which case the rate established or set at the conference shall be paid; provided, however, that the luncheon or dinner is part of the business of the conference and evidence of such rate is presented with the claim. Receipts for meals must be attached to the reimbursement claim."

Note: Pursuant to State Comptroller's Opinions 82-213; 77-667 and 69-522, alcoholic beverages are not reimbursable meal expenses.

WORKPLACE VIOLENCE POLICY

Delaware County has zero tolerance for any employee or individual on County property who threatens, intimidates, or infers violence against any person or property associated with Delaware County. Delaware County considers any threat of violence or potential violence as legitimate, and takes immediate appropriate action, including involvement of law enforcement.

An employee who witnesses or becomes aware of any threats or acts of violence should inform the employee's supervisor or other management staff immediately. Any suspicious individuals or activity must be reported to the employee's supervisor immediately.

Provoking a fight or fighting is prohibited at all times while on County property or at any location while representing Delaware County.

Despite some laws that allow people to carry firearms in public, Delaware County prohibits anyone from possessing or carrying weapons of any kind on County property, in County vehicles, or while on County time. This includes:

- any form of weapon or explosive;
- all firearms; and
- all illegal knives or knives with blades that are more than six (6) inches in length.

Employees are responsible for making sure that any item they possess is not prohibited by this policy. Police officers or other individuals who have been given consent by Delaware County to carry a weapon on the property will be allowed to do so. This includes employees of the county and other persons possessing the powers of a peace officer the same as defined in the penal law. These persons may possess such items in the performance of their duties as a peace officer.

Violations of this policy may result in disciplinary action in accordance with applicable law and bargaining agreements.

For purposes of this policy, County property is defined as any parking lot, building or portion thereof, owned, leased or rented by Delaware County.

DELAWARE COUNTY COMPUTER USE POLICY

Delaware County provides computers, including the use of an electronic mail system and the internet, for county officers and employees for the conduct of County business. County computers, software and communications (*including Internet and email*) are to be used for the purpose of conducting County business, or gaining technical or analytical advice for County business. Employees will use the Delaware County computer system in a professional manner for work related purposes. Subject to the below, personal use of County computing equipment is prohibited, including but not limited to, use for personal or commercial gain, leisure or advancing individual opinions.

Electronic Mail:

- A. The electronic mail system is County property. All messages created, sent or received on the electronic mail system are and remain the property of the County. The confidentiality of any message should not be assumed. Employees should be aware that all electronic messages are backed up and may be recalled or recorded for County review.
- B. The use of the electronic mail system is reserved solely for the conduct of County business. It may not be used for personal business.
- C. The electronic mail system may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job related activities.
- D. The electronic mail system is not to be used to create or receive offensive, disruptive, fraudulent, harassing, or obscene messages, such as but not limited to, messages containing obscene language, sexual implications, racial slurs, gender specific comments, or any other comment that addresses someone's race, age, religious or political beliefs, national origin, sexual orientation or disability.
- E. No messages will be transmitted under an assumed name nor are users permitted to obscure the origin of any message.
- F. If an employee receives unsolicited email that violates this policy, the employee should notify his or her supervisor immediately.

Internet Usage:

- A. Use of the Internet must not disrupt the operation of the County network or the network of other users, nor interfere with employee productivity.
- B. Users are strictly prohibited from accessing the Internet for any unethical purpose, or any illegal activity, including but not limited to pornography, violence or gambling, or any other behavior which may be considered unprofessional and inappropriate in the workplace by a reasonably prudent person.
- C. The Internet shall not be used for personal gain or advancement of individual views.
- D. Each employee is accountable to the County for the content of all text, audio or images that they place or send over the Internet.
- E. If any employee accidentally accesses an inappropriate website in the normal course of

- business, the employee should notify his or her supervisor immediately.
- F. Harassment of any kind through use of the Internet is prohibited.
 - G. Registration of the County in any news group or chat room is prohibited.

General Computer Use

All data is the property of Delaware County on the Network and/or the desktop hard drive disk. This includes, but is not limited to, any message created, sent or received on the electronic mail system.

Employees will not access and/or attempt to access information contained on County computers without proper authorization

Your password is your key to the network, its servers, services, and data, so keep it private and safe. Do not post it on your monitor or share it with anyone, except your department head/designee, as requested.

The personal use prohibitions contained herein notwithstanding, personal use of a limited and incidental nature or as authorized or further regulated by the employee's department head shall be acceptable.

The County reserves the right to periodically review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose, and any internet or software usage. Department heads in conjunction with information technology staff and the Personnel Office have the right to monitor the system for their respective departments. If necessary, the County also reserves the right to advise appropriate officials of any illegal activities.

Violations of this policy may result in disciplinary action in accordance with applicable law and bargaining agreements.

Updated 12/07

