



City of Norwich Employee Handbook

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100 Introduction

101 Welcome Message from the City of Norwich

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

This Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the City in delivering services to the public effectively and efficiently.

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

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

102 Definitions

City of Norwich – For purposes of this Employee Handbook, the “City of Norwich” may be referred to as the “City”.

Mayor – For purposes of this Employee Handbook, “Mayor” will mean the Mayor of the City of Norwich.

Elected Official – For the purpose of this Employee Handbook, “Elected Official” will be referred to as the Common Council and Mayor.

Department Head – For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, bureau, unit or subdivision of the City of Norwich. This definition will be applicable in the event such person is serving in an acting, temporary or provisional status in the position of Department Head.

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

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

Civil Service Law – For purposes of this Employee Handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the City of Norwich Rules for the Classified Service.

103 The Purpose of this Employee Handbook

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

Unless otherwise required by law, the provisions of the Employee Handbook are for City use only and do not apply in any criminal or civil proceeding. The Employee Handbook provisions shall not be construed as a creation of a higher legal standard of safety or care.

Notwithstanding the above, a violation of a Handbook provision may form the basis for administrative action by the City and any subsequent judicial proceeding.

Changes or Modifications – The Mayor with Common Council approval, and/or the Common Council, as applicable, reserve the right to interpret, change, modify, or eliminate any provision contained in the Employee Handbook. In addition, this Employee Handbook is subject to alteration by resolutions of the City Council, changes in City and/or departmental rules, or changes in federal, state or local statutes, rules or regulations. (This is not meant to be a comprehensive list).

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

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

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

200 Employee Classifications

For the purpose of identifying distinct employee classifications within the Employee Handbook, reference will be made to the terms shown below. The definition provided for each of these terms applies only within the context of the Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a Collective Bargaining Agreement.

201 Full-Time Employees

For purposes of this Employee Handbook, the term “full-time employee” will mean and refer to an employee who is regularly scheduled to work a minimum of thirty-seven and one-half or forty hours per week, depending upon the established workweek for the assigned position.

202 Part-Time Employees

For purposes of the Employee Handbook, the term “part-time employee” will mean and refer to an employee who is regularly scheduled to work less than thirty-seven and one-half or forty hours per week, depending upon the established workweek for the assigned position.

203 Temporary Full-time Employees

For purposes of the Employee Handbook, the term “temporary full-time employee” will mean and refer to an employee who works a regular schedule of at least thirty-seven and one-half or forty hours per week, depending upon the established workweek for the assigned position.

204 Temporary Part-Time

For purposes of the Employee Handbook, the term “temporary part-time employee” will mean and refer to an employee who works less than thirty-seven and one-half or forty hours per week, depending upon the established workweek for the assigned position. Further, such employee must not be covered by the terms of a collective bargaining agreement.

205 FLSA Non-Covered Employees

For purposes of the Employee Handbook, “FLSA non-covered employee” will mean and refer to an employee not covered under the Fair Labor Standards Act (FLSA)

206 FLSA Exempt Employees

For purposes of the Employee Handbook, “FLSA exempt employee” will mean and refer to a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standard Act.

207 FLSA Non-Exempt Employees

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

300 The Civil Service System

The following is intended as a guide. The Civil Service Law and the City of Norwich Rules for the Classified Service shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

301 The Unclassified and Classified Services

Unclassified Service – In accordance with Civil Service Law and for purposes of this Manual, the term “Unclassified Service” will include, for example, all individuals who are Elected Officials, and Department Heads who have power and authority to appoint and remove employees. The Unclassified Service also includes any individual so designated in Civil Service Law, Section 35.

Classified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the City of Norwich Rules for the Classified Service will include all City employees who are subject to the City of Norwich Rules for the Classified Service. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41).
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination. All positions are presumed to be in the Competitive Class when created (See also Civil Service Law, Section 45).
- **Non-Competitive** – those positions not in the exempt or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience (Civil Service Law, Section 42).
- **Labor** – unskilled labor positions, except those positions which are subject to competitive examination. (Civil Service Law, Section 43)

302 Civil Service Appointments

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

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or

- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: planned termination of the position after a limited time; replacement of an employee who is on leave of absence; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

303 Examinations and Promotions

Examinations – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the City intends to maintain, the City will fill the vacancy by selection from the eligible list of persons who have taken the appropriate Civil Service examination, certified by the City Human Resources Department. The written examinations are prepared and rated by the New York State Department of Civil Services, in accordance with Section 23-2 of the Civil Service Law. The provisions of the New York State Civil Service Rules and Regulations dealing with the rating of examinations apply to all examinations. The City of Norwich personnel will administer the examinations and establish an eligible list according to the ratings of the examination. In accordance with Civil Service Law Section 61, the City will select one of the top three available candidates on the list to fill the position.

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

304 Veterans Credits

Summary – An employee who is a veteran as defined by the Civil Service Law is eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the City of Norwich Human Resources Department for details concerning these credits.

400 Employment Matters

401 Procedure for Filling Vacancies

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

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

Employee Reference Checks – To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of all applicants.

402 Orientation

Beginning on the first day of employment, an employee will participate in an orientation program. This program is designed to familiarize the employee with various policies and procedures related to employment with the City of Norwich. The orientation will be conducted by representatives from the Human Resources Department, the employee's assigned department, and other City departments as appropriate.

403 Probationary Period

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

Probationary Term

- Except as otherwise provided in the City of Norwich Rules for the Classified Service or an applicable collective bargaining agreement, every permanent appointment from an open-competitive, exempt or labor class, and every inter-departmental transfer shall be for a probationary term of not less than eight nor more than fifty-two weeks.
- The probationary term for training positions, in which an appointee is required to serve a specified training term, shall be not less than twelve nor more than fifty-two weeks.

- Every permanent appointment from a promotion list or interdepartmental transfer shall be for a probationary period of twelve weeks.
- The probationary term for persons receiving appointments as a City Police Officer shall be not less than twelve weeks nor more than fifty-two weeks.

Successful Completion of Probationary Period – An appointment shall become permanent upon the retention of the probationer after the employee’s completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that the employee’s probationary term is successfully completed. A copy of such notice shall be sent to the Human Resources Department.

Failure to Successfully Complete Probationary Period – If the conduct or performance of a probationer is not satisfactory, the employee may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service in the manner prescribed in the City of Norwich Rules for the Classified Service or an applicable collective bargaining agreement. A probationer whose services are to be terminated for unsatisfactory service shall receive a written notice at least one week prior to such termination. This means, for example, that a person whose last day on the City payroll is to be a Friday must receive written notice of the termination no later than the prior Friday.

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

Employee Reply – An employee’s written reply, if any, will be attached to the performance appraisal report.

404 Corrective Discipline

Policy Statement – It is the policy of the City of Norwich that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the City, and the delivery of services to residents of the City. Any conduct that interferes with operations or that discredits the City will not be tolerated. An employee must conduct oneself in a positive manner so as to promote the best interests of the City.

Forms of Discipline – Employees covered by Civil Service Law Section 75 shall be disciplined in accordance with the provisions contained therein. (Refer to Section 405 of this Employee Handbook). The disciplinary action for union employees will be in accordance with the applicable collective bargaining agreement. In normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede formal disciplinary action. Progressive discipline may include written warnings, suspension without pay, or termination of employment, depending on the circumstances. The City does not guarantee that one type of discipline will precede another. Furthermore, the City reserves the right to suspend an employee while an investigation is conducted.

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

Employee Communication – Employees are given the opportunity to agree or disagree with the results and write a brief rebuttal on the employee communication, if desired. However, as a condition of employment, employees are required to sign the employee communication to indicate receipt. Failure to comply with this policy could result in further disciplinary action, up to and including termination of employment. Employees receive a copy of any employee communication issued by the City.

Prohibited Conduct – Any employee who, after investigation, is found to have violated the policies, procedures, rules or regulations outlined in this Employee Handbook or those established by the employee’s department, or is found to have engaged in misconduct will be subject to disciplinary action for engaging in misconduct including, but not limited to the following:

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

- Possession or use of controlled substances or alcohol while on City property or in City vehicles; or
- Acts of sabotage.

The above list is illustrative and is not intended to limit the City's right to impose discipline in other appropriate cases.

405 Civil Service Law Section 75

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

Union Employees – Employees covered by a collective bargaining agreement are disciplined in accordance with such agreement.

Employees Not Covered by Section 75 – The following employees are not covered under Section 75:

- Any employee in the Unclassified Service (such as Elected Officials and members of boards and commissions);
- A newly hired employee serving a required probationary period who has completed the minimum probationary period, but has not been made permanent, even if the employee is a veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position by permanent appointment in the Non-Competitive Class who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran, as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position in the Non-Competitive Class designated as confidential or policy influencing;
- An employee holding a position by permanent appointment in the Exempt Class, unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, or when the employee holds the position of private secretary, cashier or deputy of any office or department;
- An employee holding a position by permanent appointment in the Labor Class unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law.
- An employee holding a position by **provisional appointment**; and
- A **Temporary** or **Seasonal** employee (as defined by Civil Service Law).

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

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

Questioning Rights for Union Employees – During the investigation process, a union employee who is covered under Section 75 and who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice, in writing, of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

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

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline which will contain all charges and specifications.
- **Employee Answer** – The employee will have ten calendar days to respond to the charges. The employee's response must be in writing.

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

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

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

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

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

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

Limitations- Notwithstanding any other provision of law; no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

Filing Requirements – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed with the City of Norwich's Human Resources Department.

406 **Code of Ethics**

Policy Statement – Pursuant to the provisions of Section 806 of the General Municipal Law, the City of Norwich Common Council recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a higher degree of morale conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of the Code to promulgate these rules of ethical conduct for the officers and employees of the City of Norwich.

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 interest in contracts of city officials and employees.

Definitions – For the purpose of the City of Norwich’s Code of Ethics, the following terms shall have the meanings indicated:

- **Interest** – A pecuniary or material benefit accruing to a elected official or employee or to an elected official or employee’s spouse, minor children and dependents; or a firm partnership or association of which such elected official or employee is a member or employee; or a corporation of which such elected official or employee is an officer or director; or a corporation any stock of which is accrued or controlled, directly or indirectly, by such officer or employee.
- **Elected Official or Employee** – An elected official or employee of the City of Norwich, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be an elected official or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

Standards of Conduct – Every elected official or employee of the City of Norwich shall be subject to and must abide by the following standards of conduct:

- A. **Gifts** – No elected official or employee of the City, whether paid or unpaid, shall directly or indirectly solicit any gift or gratuity or accept any gift or gratuity having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment or in any matter whatsoever, in any business or professional transaction or dealing with the city or any agency thereof; nor shall any officer or employee, whether paid or unpaid; accept or receive, in any one calendar month, more than one gift or gratuity having a value of less than seventy-five dollars (\$75) from a person, firm or corporation which is directly or indirectly, in any matter whatsoever, in any business or professional transaction or dealing with the city or any agency thereof.
- B. **Confidential information** – An elected official or employee shall not disclose confidential information acquired by the elected official or employee in the course of official duties or use such information to further personal interest.
- C. **Representation before one’s own agency** – An elected official or employee 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 the individual is an officer, member or employee, or of any municipal agency over which the individual has jurisdiction or to which the individual has the power to appoint any member, officer or employee.
- D. **Representation before any agency of officer’s or employee’s municipality** – An elected official or employee shall not enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the municipality.

- E. **Disclosure of interest in legislation** – To the extent that the individual knows thereof, a member of the Common Council and any elected official or employee of the City of Norwich, whether paid or unpaid, who participates in the discussion or gives official opinion to the Common Council or any board, agency, department or other administrative unit of the City of Norwich shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the member of the Common Council or employee has in such legislation.
- F. **Investments in Conflict with official duties** – An Elected Official or employee shall not invest or hold any investment, directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with the Elected Official or employee's official duties.
- G. **Private Employment** – An Elected Official or employee 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 the Elected Official or employee's official duties.
- H. **Future Employment** – An Elected Official or employee may not, after the termination of service of employment with such municipality, appear before any board, agency, department or other administrative unit of the City of Norwich in relation to any case, proceeding or application in which the Elected Official or employee personally participated during the period of service or employment or which was under the Elected Official's or employee's active consideration.
- I. **Use of City Property** – An Elected Official or employee shall not directly or indirectly use or allow the use of property of any kind owned by the City, including property leased to the City, for other than official City business.

Suits against City – Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Elected Official or employee of any claim, account, demand, or suit against the City of Norwich or any agency thereof on behalf of the officer or employee or any member of the Elected Official or employee's family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Annual Statement of Financial Disclosure – On or before May 15 of each year, a statement of financial disclosure covering the preceding calendar year shall be filed with the Common Council by those individuals specified within the official City of Norwich Code of Ethics as adopted by the Common Council. Any such Elected Official or employee whose duties commence after April 15 of any year shall file such statement within 30 days after commencement of duties. The form of the statement of financial disclosure shall be as specified with the official Code of Ethics.

Distribution and Posting of Code – The Mayor shall cause a copy of this Code of Ethics to be distributed to every current Elected Official and employee of the City of Norwich within thirty days of its enactment and to every new City Elected Officer and employee before entering upon the duties of office or employment.

Penalties for Offenses – In addition to any penalty contained in any other provision of law, any person who shall knowingly 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.

407 Personnel File

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

Personnel Records – The personnel records maintained by the City include, but are not limited to, Employment Applications, Report of Personnel Change Forms, copies of job-required licenses and certifications, Federal and State Withholding Tax Forms, Retirement/Waiver Forms, Health Insurance Enrollment/Waiver Forms, disciplinary and grievance or dispute notices, letters of acclamation, and probationary reports.

Location of Files – All original personnel records for current employees will be kept in the Human Resources Department and will be maintained and controlled by appropriate department staff.

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

Medical Records – All employee medical records will be kept in a separate file apart from the employee’s personnel file in the Human Resources Department and will be maintained and controlled by Human Resources department staff. For security purposes, these files will be locked at all times.

Substance Testing Records – All employee substance testing records will be kept in a separate file apart from the employee’s personnel file in the Human Resources Department and will be maintained and controlled by the Human Resources Department. For security purposes, these files will be locked at all times.

Change in Status – An employee must immediately notify the employee’s supervisor of a change of name, address, telephone number, marital status, number of dependents, and beneficiary designations. The supervisor is responsible for notifying the Human Resources Department regarding any such changes.

Employee Access – An employee may inspect and copy the contents of the employee’s own personnel file. Requests for such inspections should be directed to the Human Resources Director and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. The employee may not remove or place any material in the file without the approval of the Human Resources Director. Copies of records contained in an employee’s personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise.

408 Separation of Employment

Notice of Resignation – An employee who intends to resign from employment must submit a written resignation to the employee’s Department Head at least two weeks before the date of resignation is to be effective. Department Heads who intend to resign from employment must submit a written resignation to the employee’s manager at least four weeks before the date of resignation is to be effective.

Exit Interview – Upon request, an employee will be given the opportunity to have an exit interview. The request to schedule an exit interview should be made to the Human Resources Department. The exit interview provides an opportunity to discuss several items including employee benefits, COBRA eligibility, and other appropriate matters.

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, unless specified by a union contract, if applicable. Any money due the City from the employee will be deducted from the final paycheck.

500 Operational Policies

501 Work Schedules

Work Schedules – An employee’s Department Head will establish the employee’s work schedule, which may differ from the City of Norwich’s established hours of operation depending upon the particular needs and requirements of the department. The Mayor reserves the right to approve all departmental hours of operation in conjunction with applicable collective bargaining agreements and governing laws.

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

502 Meal and Rest Breaks

Meal Breaks – An employee who works more than six hours in a given day will receive an unpaid, duty free meal break of at least thirty minutes.

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

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

Approval and Scheduling of Rest Breaks – Rest breaks must be approved by the employee’s Department Head in accordance with the needs and requirements of the department. The Department Head will establish the duration and scheduling of rest breaks. Unless otherwise specified by departmental rules, all rest breaks must be taken at the worksite and may not exceed the time allowed.

Lactation Accommodation –Employers must provide thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. Employees must be permitted to use existing paid break or meal-time if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. Employers must provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace. An employer is prohibited from requiring an employee to work before or after their

normal shift to make up for any time used as paid break time to express breast milk. All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid break time regardless of whether the employee uses such time to express breast milk.

Union Employees – An employee who is a member of a collective bargaining unit shall follow the provisions, if any, contained in the applicable collective bargaining agreement regarding meal and rest breaks.

503 Emergency Situations

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

Closing Effect on Compensation – Pay for FLSA non covered or exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – A full-time, part-time or temporary full-time employee who is directed by the authority of the Mayor to leave work due to an emergency closing will be paid for the remainder of the employee's normally scheduled workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime, unless required by a collective bargaining agreement. A temporary part-time employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of the workday, the Mayor will initiate notification to all affected employees. A full-time, part-time or temporary full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normally scheduled workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime, unless required by a collective bargaining agreement. A temporary part-time employee who is directed not to report to work will not be paid for the workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

Use of Accrued Leave Time – In the event an employee elects, with the approval of the Department Head, to be absent from work due to inclement weather or other emergency when City operations have not been officially closed, the employee must use accrued vacation leave or compensatory time to cover the absence, or if no such leave is available, take leave without pay. Or, if approved by the Department Head, the employee may choose to make up the time at a later date.

504 Time Records

Policy Statement – All FLSA non-exempt employees are required to complete an individual time record showing the daily hours worked. Certain employees may be required to punch a timecard. An FLSA exempt employee is not required to record daily attendance but must account for authorized paid leave taken by completing a time record indicating such.

Procedures – An employee required to complete a time record or punch a timecard must comply with the following procedures:

- Time records must be completed by the end of each pay period;
- All time worked must be recorded;
- All paid and unpaid leaves of absences must be recorded;
- Employees must complete and approve their own time record or punch their own timecard;
- The time record must be verified by the employee's supervisor;
- The time record is then submitted to the department representative responsible for processing payroll at the time specified;

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

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

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

505 Bonding

Insurance – The City will provide a bond for an employee who is required to act in a fiduciary capacity.

506 Expense Reimbursement

Policy Statement – Upon proper authorization an employee or Elected Official will be reimbursed for reasonable and actual expenses associated with carrying out City business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, training and membership fees. A voucher, along with corresponding receipts and all documentation specified by the Finance Department requirements, must be submitted to the appropriate Department Head in order for the reimbursement to be processed.

Mileage – Department Heads may authorize the use of a personal vehicle if a City vehicle is not available. An employee who is authorized by the appropriate Department Head or designee to use the employee's own vehicle to conduct City business will be reimbursed at the mileage rate established by the Common Council or the applicable collective bargaining agreement, as the case may be. Prior to reimbursement, the employee must submit documentation specified by the Finance Department to the Department Head or designee in order for reimbursement to be processed. If a City vehicle is available and the employee chooses to use the employee's own vehicle, the employee will not receive mileage reimbursement.

Employee Financial Responsibility – The City will not make payment for items lost or damaged as a result of carelessness or negligence on the part of an employee, or for claims not supported by receipts. The policy of the City is that these costs should be borne by the employee who incurred them. Examples of this may include, but are not limited to, the following:

- Charges for gas not accompanied by receipt;
- Charges for parking not accompanied by receipt;
- Charges for tolls not accompanied by receipt;
- Charges for lost or damaged items of equipment, such as cell phones, computers, laptops, etc.

507 Vehicle Usage

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

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

- City vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head or designated representative to which it is assigned. The Department of Public Works is responsible for maintenance, coordination, and oversight for the fleet.
- City vehicles must be assigned to specific City officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-City business;
- City vehicles must always be operated in a safe and responsible manner, and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of City vehicles and must report them to their Department Head.
- In the event of an accident, regardless of severity, an accident report must be filed out in accordance with the procedures established with the City's policies and procedures;

- City vehicles may not be used to transport persons who are not Elected Officials or employees of the City of Norwich, nor material not related to the conduct of official City business, without direct authorization by the appropriate Department Head or the Common Council;
- City vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head or designated representative;
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on City vehicles at any time, except those of a limited community service nature which have been authorized by the Common Council;
- Department Heads may authorize the use of a personal vehicle if a City vehicle is not available. If a City vehicle is available and the employee chooses to use the employee's own vehicle, the employee will not receive mileage reimbursement.
- Non-City employees are never authorized to operate a City vehicle, absent an emergency.

508 Driver's License

Requirement – An employee who is required to drive either a City-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the City, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. The City reserves the right to verify, at any time, that any employee driving on City business possesses a valid driver's license.

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

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

509 Supplies, Tools and Equipment, and Fuel Usage

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

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

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

510 Telephone/Cell Phone Usage

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

- An employee must answer promptly and speak in a clear, friendly and courteous tone;
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message of all pertinent information;
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred;
- During office hours, the Department Head is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;
- Collect calls may not be accepted without the approval of the Department Head or supervisor;
- An employee may not make or receive personal telephone or cell phone calls during work hours, except in an emergency or to check briefly on family matters;
- An employee may not make or receive personal calls on a City provided telephone or cell phone that will result in additional charges to the City, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the City of the cost of the call.

511 Computer, E-mail and Internet Usage Policy

Purpose – This section documents the established uniform policies and responsibilities for users of the City of Norwich electronic systems (voice and data network, including Internet access, e-mail and voice mail). It promotes the mission of the City of Norwich and provides guidance to protect the City of Norwich electronic resources and to assure adequate security for all information collected, processed, transmitted, stored, or disseminated in its general support systems and major applications. Additional detailed and specific procedural guidelines, particular to the City of Norwich needs and requirements will be issued in the future, as appropriate.

Use of the City of Norwich electronic resources, including but not limited to the Internet, the City network, e-mail and voice mail system, is governed by all existing laws, regulations, official City policies and collective bargaining agreements. This policy supplements, but does not replace, any laws, regulations, policies and/or collective bargaining agreement(s) or mandates regarding acceptable workplace behavior.

Scope – Policy provisions apply to all City of Norwich personnel, contractors acting for the City of Norwich, and all authorized users who access the City of Norwich, networks, and support facilities. “Access” includes users who connect remotely via Internet, or any other form of connectivity. Policy provisions also apply to non-City of Norwich organizations, or their representatives, who are granted access to the City of Norwich electronic resources, including other government agencies and members of the trade community.

Point of Contract – Questions concerning this policy can be addressed to the following:

- Director of Finance
- Director of Human Resources

General Policy Statement –

- The City of Norwich electronic resources is any automated information or telecommunications system owned, leased or operated by or for the City of Norwich.
- The City of Norwich will implement at least the minimum-security requirements as identified in this policy, to protect electronic resources and information (non-sensitive and sensitive data) processed, stored, or transmitted by the City of Norwich electronic system. Based on risk management, they may apply additional safeguards to provide the most restrictive set of controls (privileges) that permit the performance of authorized tasks (principle of least-privilege).
- Sensitive information in the City of Norwich must be safeguarded against unauthorized disclosure, modification, access, use, destruction, or delay in service.
- Connectivity is prohibited between the City of Norwich, which handles sensitive data and any other systems or networks not under the City of Norwich authority, unless formally approved by the Director of Finance and/or the Director of Human Resources.
- Automated Information Systems (AIS) are for official City of Norwich business only and users have no expectation of privacy while using these resources. Activity of any employee using City electronic resources may be monitored and recorded. Any data stored on the City of Norwich’s electronic system is considered the property of the City of Norwich and may be subject to disclosure pursuant to the New York State Freedom of Information Law.
- All persons who use, manage, operate, maintain, or develop the City of Norwich applications, or data must comply with these policies.

Users Responsibilities –

- Protect access ID's, authentication codes (e.g. passwords, personal identification numbers (PIN), encryption codes, etc.) from improper disclosure. Each employee is responsible for all transactions made using his or her password, and for safeguarding his or her password. Logged in workstations shall not be left unattended. Passwords may not be the same as the employee's user ID.
- Access only authorized electronic applications and data necessary to perform approved responsibilities. Due to technical capability of some electronic systems, access might exceed authority. Access capability, however, does not equate to authority (e.g. causal browsing of data is not permitted).
- Notify supervisor and the Director of Finance and/or the Director of Human Resources when electronic access or authority is no longer required for their authorized tasks.

Official Use – Use of the Internet, e-mail and voice mail must be in the interest of the City of Norwich. Such use should be appropriate in its frequency and duration and related to an employee's assigned duties.

The City of Norwich personnel are responsible for ensuring the safe, effective, efficient, and legal use of all City resources. As such, the City of Norwich personnel must:

- Exercise the highest standards of professional conduct and responsible behavior with the information they obtain from or make available to the Internet.
- Assume that anyone in the world can access the Internet and therefore, take all necessary steps to preclude the unauthorized disclosure of information.

Non-official Use – The City of Norwich personnel are authorized to use electronic equipment to access the Internet, e-mail and voice mail for personal purposes if the usage is approved by their Supervisors.

Employees should control the frequency and duration of non-official usage to preclude any appearance of impropriety and unnecessary costs to the City of Norwich; in addition, incidental usage should occur on such personal time as breaks, lunch periods, and after duty hours.

Prohibited Use – Any action which violates any U.S., State, or local law, rule or regulation, or any City or departmental policy is prohibited. It is incumbent upon the supervisors to ensure employees are aware that Internet, e-mail and voice mail usage can be monitored and leaves a clear audit trail.

The following practices are examples of prohibited activity:

- Using the electronic system to harass or discriminate, or in any way that violates any law or City policy against harassment or discrimination. Examples of harassing or discriminatory content includes derogatory or inflammatory remarks about an individual's race, color, age, disability, religion, national origin, sexual orientation, creed, gender identity or expression, military status, predisposing genetic characteristics, familial status, marital status and domestic violence victim status.

- Misrepresenting or attempting to hide your identity.
- Representing personal opinion as official City of Norwich policy. Remember that your e-mail address identifies you as a City of Norwich employee.
- Violating licensing or copyright restrictions.
- Engaging in chain letters.
- Downloading commercial software or shareware without prior approval of the Department Head.
- Using Internet chat software (e.g. AOL Instant Messenger, Yahoo Instant Messenger) without the express permission of the Department Head.

Violation of this Policy – Those who do not adhere to the provisions of this policy may be subject to disciplinary action in accordance with existing disciplinary policy, civil service law, and collective bargaining agreement. Additionally, a user access to electronic resources may be curtailed or discontinued. Any criminal activity will be prosecuted to the full extent of the law.

512 Personal Appearance

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

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

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

Uniforms – Certain non-union employees are required to wear uniforms. Such employees should consult with their supervisor for further details regarding uniform requirements. Union employees may be required to wear a uniform as provided in a collective bargaining agreement and must comply with all regulations.

513 Solicitations/Distributions

Policy statement – It is the policy of the City to prohibit solicitation and distribution on its premises by nonemployees and to permit solicitation and distribution by employees only as outlined below.

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

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

514 **Visitors**

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

515 **Purchasing**

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

516 **Maintenance of Work Area**

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

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

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

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

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;

- Arrange for the removal of any items from the workplace that are not needed for flow of business or the enhancement of employee comfort;
- Abide by and enforce the City's smoking policy;
- Ensure the proper disposal of all trash and waste.

517 **Personal Property**

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

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

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

518 **City Property**

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

- Equipment including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Books or other Reference Material, including this Employee Handbook
- Cellphones/Laptop Computers

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

519 **Unauthorized Work**

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

600 Absence Policies

601 Attendance

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

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

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

Scheduled Absences – An employee should schedule personal appointments either before or after the employee's scheduled workday or on scheduled days off whenever possible. Requests for scheduled time off must be submitted to the employee's Department Head or supervisor in advance. All requests for time off are subject to approval by the employee's Department Head or supervisor on a case-by-case basis.

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

Unexcused Absences – Notification of an absence to an employee's Department Head or supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head or supervisor is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure – In the event an employee must leave work during the workday, the employee must notify the employee's Department Head or supervisor prior to leaving.

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

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

602 Jury Duty or Court Appearance Leave

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

Jury Leave – In the event an employee is required to perform jury duty on a day the employee is scheduled to work, the employee will be paid the difference between the regular pay and the amount received for jury service.

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

Return to Duty – In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work, unless excused by the employee's Department Head.

603 Military Leave and Military Leave of Absence

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

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

604 Family and Medical Leave Policy

The City of Norwich will provide Family and Medical Leave Act (FMLA) leave to its eligible employees. The City of Norwich posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in the hallway by Human Resources.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Director of Human Resources in writing.

General Provisions

Under this policy, the City of Norwich will grant up to 12 weeks of leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness). The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the company for 12 months. The 12 months need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The employee must work in a worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Type of Leave Covered

To qualify as FMLA leave under this policy, the leave must be for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of his or her position.

Under the FMLA, a "spouse" means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into

and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either:

- a) was entered into in a state that recognizes such marriages; or
- b) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Director of Human Resources.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserve or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. short-notice deployment
- b. military events and activities
- c. childcare and school activities
- d. financial and legal arrangements
- e. counseling
- f. rest and recuperation
- g. post-deployment activities
- h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserve, or a member of the Armed Forces, the National Guard or Reserve who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserve, or members on the permanent disability retired list.

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

a) A “son or daughter of a covered servicemember” means the covered servicemember's biological, adopted, or foster child, stepchild or legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

b) A “parent of a covered servicemember” means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents in law.

c) The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to § 825.122(k).

“Covered active duty” means:

(a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

(b) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

(7) Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks of leave in a single 12-month period to care for that servicemember.

Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

The term "covered servicemember" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserve) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserve) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term "serious injury or illness" means:

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserve), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating;

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserve) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

(c) Outpatient status, with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (No. 1) through (No. 5) above under this policy during any 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (No. 6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City of Norwich and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

Employee Status and Benefits During Leave

While an employee is on leave, the City of Norwich will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City of Norwich will require the employee to reimburse the company the amount it paid for the employee's health insurance premium during the leave period.

Under current company policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Fiscal Department by the 5th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee will need to pay the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from a health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The company may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid sick leave prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all sick leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember over a 12-month period).

For the birth, adoption or foster care of a child, the company and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the company before taking intermittent leave or working a reduced-hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Certification for the Employee's Serious Health Condition

The City of Norwich will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The City of Norwich may directly contact the employee's health care provider for verification or clarification purposes using an HR professional. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's permission for clarification of individually identifiable health information.

The City of Norwich has the right to ask for a second opinion if it has reason to doubt the certification. The City of Norwich will pay for the employee to get a certification from a second doctor, which the City of Norwich will select. The City of Norwich may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary, to resolve a conflict between the original certification and the second opinion, the City of Norwich will require the opinion of a third doctor. The City of Norwich and the employee will mutually select the third doctor, and the City of Norwich will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification for the Family Member's Serious Health Condition

The City of Norwich will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The company may directly contact the employee's family member's health care provider for verification or clarification purposes using an HR professional. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City of Norwich will obtain the employee's family member's permission for clarification of individually identifiable health information.

The City of Norwich has the right to ask for a second opinion if it has reason to doubt the certification. The City of Norwich will pay for the employee's family member to get a certification from a second doctor, which the City of Norwich will select. The City of Norwich may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary, to resolve a conflict between the original certification and the second opinion, the City of Norwich will require the opinion of a third doctor. The City of Norwich and the employee will mutually select the third doctor, and the City of Norwich will pay for the opinion. This third opinion will be considered final.

The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification of Qualifying Exigency for Military Family Leave

The City of Norwich will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

The City of Norwich will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

Recertification

The City of Norwich may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City of Norwich may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City of Norwich may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Director of Human Resources. Within five business days after the employee has provided this notice, the Director of Human Resources will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City of Norwich's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the Director of Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, the City of Norwich may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

605 Rights of Employees to Express Breast Milk in the Workplace

INTRODUCTION AND PURPOSE New York State Labor Law Section 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business. The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace. With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored. Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

USING BREAK TIME FOR BREAST MILK EXPRESSION Employers must provide thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. Employees must be permitted to use existing paid break or mealtime if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. Employers must provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace. An employer is prohibited from requiring an employee to work before or after their normal shift to make up for any time used as paid break time to express breast milk. All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid break time regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods: dol.ny.gov/day-rest-and-meal-periods
- NY Department of Labor FAQs on Meal and Rest Periods: dol.ny.gov/system/files/documents/2021/03/mealand-rest-periods-frequently-asked-questions.pdf
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods: dol.gov/agencies/whd/fact-sheets/22-flsa-hoursworked
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk: dol.gov/agencies/whd/fact-sheets/73-flsa-break-timenursing-mothers.

While an employer cannot require that an employee works while expressing breast milk, Labor Law 206-c does not otherwise prevent an employee from voluntarily choosing to do so if they want to. Paid breaks provided for the expression of breast milk must be 30 minutes. An employee must be allowed to use regular break or meal time to take a longer paid break if needed. Employees may also opt to take shorter paid breaks. Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

MAKING A REQUEST TO EXPRESS BREAST MILK AT WORK If an employee wants to express breast milk at work, they must give the employer reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the employer time to find an appropriate location and adjust schedules if needed. Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days. Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

LACTATION ROOM REQUIREMENTS In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall. The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees. Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be within walking distance, and the distance to the location should not significantly extend an employee's needed break time. Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees. If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression. As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy. To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public. If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening. The space designated for expressing breast milk must be maintained and clean at all times. If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a

room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible. Undue hardship is defined in the statute as “causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.” However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location. P705 (6/24) The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aides and services are available upon request and free of charge to individuals with disabilities TTY/TDD 711 or 1-800-662-1220 (English) / 1-877-662-4886.

NEW YORK STATE DEPARTMENT OF LABOR RESOURCES If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor’s Division of Labor Standards. Call us at **1-888-52-LABOR**, email us at **LSAsk@labor.ny.gov**, or visit our website at **dol.ny.gov/breast-milk-expression-workplace** to file a complaint. A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards. Complaints are confidential.

FEDERAL RESOURCES The federal PUMP Act went into effect in 2023 expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit **dol.gov/agencies/whd/pump-at-work**.

700 Compensation

701 Wage and Salary

Rate of Pay – An employee’s rate of pay will be approved by the Mayor and the Common Council. Salary schedules are published annually and may be periodically reviewed and adjusted as necessary.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement regarding rate of pay.

702 Overtime and Compensatory Time

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

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

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

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

Compensatory Time – With pre-authorization from the Department Head, a non-exempt employee will be allowed to receive compensatory time in lieu of paid overtime. When a non-exempt employee is allowed to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over eight hours in a given workday. An employee must use all compensatory leave credits within six months of the calendar year in which they are earned and is subject to the compensatory time provision of the applicable collective bargaining agreement.

Termination from Employment – An employee whose employment with the City is terminated will receive cash payment for unused compensatory credits that was earned within the last six months to which the employee is properly entitled at the employee’s then current rate of pay and is subject to the compensatory time provision of the applicable collective bargaining agreement.

703 Pay Period and Check Distribution

Payroll Period – Employees are paid on a bi-weekly basis. An employee’s paycheck will be based on the amount earned during the preceding payroll period.

Payday/Check Distribution Policy – Paychecks will normally be issued on a Friday; however, the following procedures will apply as appropriate:

- Daytime or first shift employees who are normally scheduled to work on Fridays, will receive their paychecks on Friday with the following exception:
 - When the Friday pay date falls on a holiday the paychecks will be distributed on Thursday.

Direct Deposit – The City provides a direct deposit option for employees. If elected, the paycheck (or a portion thereof) will be deposited directly into the employee’s account at the designated financial institution. The employee must submit a signed, written authorization to the Human Resources Department for direct deposit. The authorization form will be provided to the employee as part of the orientation process or may be obtained from the HR department.

704 **Payroll Corrections**

Policy – The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled pay day.

Procedure – In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Finance department so that corrections can be made as quickly as possible.

705 **Payroll Deductions**

Statutory Deductions – The required portion of an employee’s pay for federal and state taxes (as directed on the employee’s withholding certificates), and any other deduction required by law, will be deducted from the employee’s paycheck. Such deductions will be noted on the employee’s pay stub.

Voluntary Deductions – Payroll deductions provided through the City’s payroll system will be made from an employee’s paycheck when authorized by the employee. Such deductions will be noted on the employee’s pay stub.

706 **Deferred Compensation Plan**

Summary – The City of Norwich has established an IRS qualified non-contributory Deferred Compensation Plan. Any City employee may elect to participate in the plan subject to applicable laws and plan rules. Plan participants elect to have a portion of their earnings deferred into an investment vehicle of the employee’s choosing. Upon separation from service, reaching the limiting age or retirement an employee who has elected to participate in the deferred compensation plan must notify the Plan Administrator of same. The Plan Administrator will advise the employee of the available options for rollover or pay-out of any fund value.

The amount that the employee elects to re-direct into the employee’s deferred compensation account is not subject to federal or state taxation until such time that the employee makes an election to withdrawal or receive funds from their account.

All risks associated with the investment account selected by the employee are borne solely by the employee. Although the intent of deferred compensation plan is to even out a person's lifetime income tax burden, the City of Norwich makes no guarantee or warrantee whatsoever that any money deferred will accrue or hold its value. A description of the plan may be obtained from the deferred compensation plan representative.

800 Employee Benefits

801 **Holiday, Vacation and Sick Leave Benefits**

Summary – The City of Norwich provides holiday, vacation and sick leave benefits for eligible employees based upon a variety of factors, including employee classification and length of service. Information regarding these benefits, including eligibility requirements, is available apart from the Employee Handbook. Please refer to the appropriate document (available from Human Resources) for further details:

Employee Classification	Refer to:
Union Employees	The applicable Collective Bargaining Agreement
Non-Unit Employees	Refer to the Department Head benefit summary sheet or non-unit benefit summary sheet.
Temporary Full Time	Not eligible for paid leave benefits
Temporary Part-Time	Not eligible for paid leave benefits

802 **Health Insurance Benefits**

Summary – The City of Norwich provides health insurance benefits for eligible employees based upon a variety of factors, including employee classification and length of service. Information regarding these benefits, including eligibility requirements, is available apart from this Employee Handbook. The plan documents or specific government regulation provide a full description of the specific benefit. Please refer to the appropriate document(s) (available from the Human Resources Department) for further details:

Employee Classification	Refer to:
Union Employees	The applicable Collective Bargaining Agreement
Non-Unit Employees	Refer to the Department Head Department Head benefit summary sheet or non-unit benefit summary sheet.
Temporary Part- Time	Not eligible for health insurance benefits
Temporary Part-Time	Not eligible for health insurance benefits

Plan Documents – Benefits are administered according to applicable government regulation, benefit documents, insurance carrier master policy, or City policy. The Common Council is responsible for compliance with all applicable laws and regulation. The Common Council may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures. A description of the plan may be obtained from the Human Resources Department.

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

Waiver of Benefits – An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form. The City of Norwich pays incentives to employees please refer to the appropriate Collective Bargaining Agreement.

Employee Classification	Refer to:
Union Employees	The applicable Collective Bargaining Agreement
Non-Unit Employees	Refer to the Department Head Department Head benefit summary sheet or non-unit benefit summary sheet.
Temporary Part- Time	Not eligible for health insurance benefits
Temporary Part-Time	Not eligible for health insurance benefits

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

Change in Status – Employees whose status changes are to notify the changes to the Human Resources Department. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Human Resources Department in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address. Failure to notify the Human Resources Department could result in a delay in appropriate health insurance coverage.

803 Health Insurance for Retirees

Applicability – The Health Insurance for Retirees benefit applies to all retirees who meet the eligibility requirements set forth below. The Common Council may, at its discretion, change the Health Insurance for Retirees plan at any time, including, but not limited to, eligibility, type of coverage, retiree contributions, and type of carrier.

Coverage – The City will make available health insurance coverage to an eligible employee who retires from the City. Refer to the appropriate Collective Bargaining Agreement. Coverage is also available for eligible dependents if they were covered under the City’s health insurance plan at the employee’s date of retirement.

Eligibility – To be eligible for coverage, the retiree must follow the guidelines of the appropriate collective bargaining unit. In addition, the employee must have applied for and been granted a bona-fide retirement benefit from the New York State Employee’s Retirement System. Please refer to the appropriate document(s) (available from the Human Resources Department) for further details:

Employee Classification	Refer to:
Union Employees	The applicable Collective Bargaining Agreement
Non-Unit Employees	Refer to the Department Head Department Head benefit summary sheet or non-unit benefit summary sheet.
Temporary Part- Time	Not eligible for health insurance benefits
Temporary Part-Time	Not eligible for health insurance benefits

Plan – Full details regarding the health insurance plan provided to a retired employee may be obtained from the Human Resources Department.

804 Continuation of Health Insurance Benefits (COBRA)

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

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

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

- An **eighteen-month** continuation will be available to a qualified beneficiary in the event of the covered employee’s termination of employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- A **twenty-nine-month** continuation will be available to qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.

- A **thirty-six-month** continuation will be available to a qualified beneficiary in the event of any one of the following:
 - Death of a covered employee;
 - Divorce or legal separation from a covered employee;
 - A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five; or
 - A covered dependent cease to be a "dependent child" under the health insurance plan.

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

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

Enrollment information – The Human Resources Department will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms to the Human Resources Department within the time indicated. If the required forms or premium payments are not received in the time specified, medical insurance coverage will cease.

805 **Worker's Compensation Benefits**

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

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

Reporting of Injury – The employee must report an accidental injury arising out of and in the course of employment to the employee's supervisor immediately after the occurrence of the injury. The supervisor will provide the employee with the City of Norwich "injury report" for completion. The employee submits the completed report to the Human Resources Department.

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

Medical Insurance Coverage – The City will continue medical insurance coverage for the employee in accordance with the provision of the Family Medical Leave Policy in this Employee Handbook.

806 Unemployment Benefits

Coverage – Eligibility for unemployment benefits is in accordance with New York State Labor Law.

807 Social Security

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

808 The New York State Employee’s Retirement System

Summary – The City will make available the New York State Employee’s Retirement System pension plan to each eligible employee. An employee is eligible under Tier 5 & 6 for service retirement benefits after ten years of creditable public sector service. Tiers 1 thru 4 need to review their NYS Retirement handbook for years of service. In the event an employee leaves after ten years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee.

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

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

Optional Membership – An employee who is not mandated to join may join the retirement system. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Human Resources Department. If the employee elects to join the retirement system, the employee must complete the application form and return it to the Human Resources Department.

Waiver of Enrollment – An employee who is not mandated to join the retirement system, and who chooses not to join; must complete a waiver of enrollment form.

809 Employee Assistance Program

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

Eligibility – All Full-time employees, are eligible to participate in this program.

How to Access the Program – An employee may either contact the Human Resources Department or the Employee Assistance Program for further information.

900 Compliance Policies

901 The Americans with Disabilities Act

Policy Statement – It is the policy of the City of Norwich to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunities for all qualified person with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the compliant.

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

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

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

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

902 Equal Employment Opportunity

Policy Statement – The City of Norwich is an Equal Opportunity Employer. The City does not discriminate or condone discrimination or harassment on the basis of race, traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, religion, color, sex, age national origin, disability, marital status, familial status, status as a victim of domestic violence, military status, genetic predisposition or carrier status, sexual orientation, gender identity or expression, or any other characteristic or class protected by federal, state, or local law and ordinances. Discrimination or harassment based on any of the above is strictly prohibited. Employees who discriminate or harass other employees or non-employees may be subject to disciplinary action, up to and including termination of employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence and termination. Discrimination and harassment are not confined to economic retaliations such as transfer, loss of promotion or

dismissal. Other actions include, but are not limited to, objectionable actions of other employees, written, verbal or physical conduct, derogatory remark, or any conduct directed against an employee by any other employee based on his or her race, religion, color, sex, age, national origin, handicap/disability, military status, familial status, marital status, status as a victim of domestic violence, genetic predisposition or carrier status, sexual orientation, gender identity or express, or other protected classification that creates an intimidating, hostile, or offensive work environment.

Notification of Policy Violation – An employee should immediately report any perceived violation of this policy to the employee’s Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Human Resources Director. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

All employees should be aware that a failure to promptly report incidents of discrimination or harassment may constitute a waiver of their rights under federal, state, or other statutes and regulations.

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

903 Sexual Harassment

The City is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of the City’s commitment to a discrimination-free work environment. Sexual harassment is against the law ¹and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the City. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy

1. The City’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and person conducting business, regardless of immigration status, with the City. In the remainder of this document, the term “employee” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination)
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited in New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence, victim status, gender identity and criminal history.

otherwise assists in any investigation of a sexual harassment complaint. The City will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the City who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, Department head, or the Human Resources Department. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal protections.

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

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

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

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to their respective Department head or the City Human Resources Department, as appropriate. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location), and be provided to employees upon hire.

Definition:

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

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

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment:
- Such conduct is made either explicitly or implicitly a term or condition of employment or:
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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

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

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

Examples of sexual harassment

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

- Physical Acts of sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender such as;
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York law protects employees, paid or un-paid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

When can sexual harassment occur?

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

Retaliation Policy:

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

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

Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

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

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

Reporting Sexual Harassment:

Preventing sexual harassment is everyone's responsibility. The City cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subject to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, Department head, or Human Resources Department. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, Department head, or Human Resource Department. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to the Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

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

Supervisory Responsibilities:

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to their department head or the Human Resource Department. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

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

Complaint and Investigation of Sexual Harassment:

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

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

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The City will not tolerate retaliation against employees who file complaints or participate in an investigation regarding a violation of this policy.

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

- Upon receipt of complaint, the Department head or Human Resources Department will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form: in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting. In instances where it is not practicable to contact either your supervisor, manager, or Department head, the City Human Resources Department may be contacted.
- If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of relevant documents;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the City but is also prohibited by state, federal, and, where applicable, local law.

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

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

State Human Rights Law (HRL)

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

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

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

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

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

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

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

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

You may contact the NYS statewide hotline for issues of workplace sexual harassment, the phone number is 1-800-HARASS-3 (1-800-427-2773) during regular business hours.

Civil Rights Act of 1946

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

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

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

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

Local Protections

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

Contact the Local Police Department

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

904 Drug and Alcohol-Free Workplace

Policy Statement – It is the policy of the City of Norwich that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or an illegal controlled substance as defined in the Federal Controlled Substance Act, is prohibited on the job or at the workplace.

Implementation of Policy – This policy will be distributed to all employees and officials of the City.

Sanctions – The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol is strictly prohibited in all workplaces and worksites. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to disciplinary penalties, up to and including dismissal from employment, and, if applicable, appropriate criminal and civil actions.

Employee Responsibilities – Each employee must abide by this policy and notify the Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

City Responsibilities – Within thirty calendar days of receiving notice of a conviction, the City will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

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

Dangers of Drug and Alcohol Abuse in the Workplace – Employees with chemical dependence problems have a major negative impact on productivity, staff moral and labor/management relations. Their hidden illness is responsible for:

- A. Declining Performance
 - Poor concentration
 - Confusion to following directions

- Noticeable change in the quality of work
 - Inability to meet deadlines
 - Errors in judgement affecting the health and safety of others
 - Customer complaints and injuries
- B. Increased Costs
- Five times the average sick and accident benefits
 - Higher job turnover, replacement and training costs
 - Greater worker's compensation and health insurance payments
 - 3 to 5 times more on-the-job accidents
 - Unemployment claims
- C. Absenteeism and Tardiness
- Double the normal rate
 - Repeatedly being late for work and often leaving early
 - Extended lunch hours
 - Frequent illness and accidents both on and off the job
- D. Damaged Relationships
- Emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations.

905 **Controlled Substance and Alcohol Testing**

Statement of Compliance – The City has adopted Controlled Substance and Alcohol Testing Policies that are in compliance with the regulations of the United States Department of Transportation. The purpose of the policies is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

Covered Employees – The Drug and Alcohol Testing Policy for Employees of the Department of Public Works applies to all covered employees (as defined by federal regulations) of the City of Norwich Department of Public Works. This includes all employees who drive a commercial motor vehicle requiring a commercial driver's license to operate. The City also has a Drug and Alcohol Testing Policy which applies to all covered employees (as defined by federal regulations). This includes all employees who drive a commercial motor vehicle requiring a driver's license to operate.

Acknowledgement Form – A covered employee will receive a written copy of the appropriate policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

906 **Smoking**

Policy Statement – It is the policy of the City of Norwich to prohibit smoking in all City vehicles, inside and outside all City buildings.

907 **Medical Marijuana Policy**

1. The City recognized that under New York Stat's Compassionate Care Act some employees may be deemed to have a qualifying disability and are prescribed medical marijuana.
2. When an employee does have a qualifying associated, or complicating condition and is prescribed medical marijuana by his or her treating physician, the City will make efforts to reasonable accommodate employees and prospective employees who are certified to use

medical marijuana. It is the duty of the employee to inform the City of the employee's use of medical marijuana in order for the City to attempt to make accommodations.

3. Because of the nature of the City's business, employees and prospective employees are prohibited from performing their duties while impaired by controlled substances including medical marijuana. Likewise, the City will not permit employees to work while using medical marijuana (or recreational marijuana as permitted by state law). If allowing said work would cause the City to violate a federal law or compromise a federal contract or funding.

4. When an employee is tested, as provided under this policy, and is currently taking medical marijuana with a doctor's prescription, employee shall provide the City with a doctor's certification of the employee's use and need for medical marijuana.

5. Employees are reminded that marijuana is still deemed an illegal drug under the Federal Controlled Substance Act and could be subject to investigation and/or prosecution for their use of medial marijuana.

1000 Safety

1001 Policy Statement – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the City to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

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

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

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

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

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon assistance;
- Contact the supervisor immediately;
- If the accident appears serious, call an ambulance; and
- Take steps to prevent additional accidents.

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

- When an accident occurs, which results either in the loss of an employee’s work time or in the provision of medical care to an employee, the employee must immediately notify the supervisor who will in turn notify the Human Resources Department. The supervisor will provide the employee with the City of Norwich’s “injury report” for completion. The employee submits the completed packet to the Department Head or supervisor, who will forward the packet to the Human Resources Department.

- When an accident occurs, which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the supervisor who will in turn notify the Human Resources Department. The supervisor will provide the employee with the City of Norwich "injury report" for completion. The employee submits the completed report to the Department Head or supervisor, who will forward the packet to the Human Resources Department.
- The Human Resources Department will keep a log of the injury or illness for at least the minimum time required by applicable laws and regulations. A copy of the log which includes totals and information for the year must be posted in each department or areas where notices to employees are customarily posted.

1002 Hazard Communication Program (Right to Know)

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

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

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

Safety Data Sheets (SDS) – An employee working with a Hazardous Chemical shall obtain a copy of the SDS and a standard chemical reference from the employee's supervisor.

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

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

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

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

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

1100 Communication Procedures

1101 Bulletin Board

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

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

1102 Adverse Correspondence

Written Communication – An employee who receives a memo, fax, message, letter, legal notice, e-mail, summons, or other form of communication which may have a negative impact on the City must immediately forward the document to the appropriate Department Head.

Verbal Communication - An employee who receives a verbal complaint of unfair treatment or expressions of anger or dissatisfaction must immediately notify the applicable Department Head, who will initiate the appropriate action in response.

1103 Suggestions

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

1104 Public Relations

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

1200 Employee Acknowledgement Form**City of Norwich****Employee Handbook Acknowledgement**

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

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

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

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Handbook.

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

Employee Name (please print)

City of Norwich Representative (please print)

Employee Signature

City of Norwich Representative Signature

Date of Signature

Date of Signature