



**TOWN OF PORTVILLE, NEW YORK**

**TOWN OF PORTVILLE**

**2011  
PERSONNEL POLICY**

**Effective January 1, 2011**



# TOWN OF PORTVILLE, NEW YORK

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# TOWN OF PORTVILLE, NEW YORK

## **Purpose**

The purpose of the personnel policy for the Town of Portville is to specify the conditions under which employment may be obtained, retained, or terminated and the specific conditional compensation and benefits offered to its employees, appointees and elected officials.

New York State statutes, regulations, and laws govern many aspects of performance and incumbency of elected officials that are not articulated in this policy. For more specific information regarding those statutes, regulations, and laws, please contact the New York State Department of State.

## **Implementation of Personnel Policy**

By Town Board Resolution RES-20110119.5, this personnel takes effect as of January 1, 2011 and supersedes all other personnel policies adopted or implemented by the Town of Portville prior to January 1, 2011. The Town Board reserves the right to revise this Personnel Policy at any time.

## **Employment Policy**

The Town of Portville shall comply with all Federal and New York State employment laws.

Only a quorum of members of the town board holding a published public meeting, whether in executive session or public session, may authorize:

- a. the hiring, suspension, promotion, demotion, retention or termination of any employee or appointee;
- b. the increase, retention or reduction of compensation or benefits of any employee or appointee;
- c. the increase of compensation or the increase or decrease of benefits of any elected official; and,
- d. the issuance to an appointee of a performance contract or to an appointee or elected official a quantitative bonus contract.

Only a quorum of members of the town board holding a published public meeting in compliance with New York State law governing such action may create or eliminate an appointed position.

## **Ethics Policy**

All employees, appointees, and elected officials shall be bound by New York State Public Officers Laws 73 through 78, New York State General Municipal Law, Sections 800-809 Conflicts of Interest of Municipal Officers and Employees, and all existing Town of Portville local laws referring, relating, or establishing ethics standards or practices exceeding those articulated by New York State laws and regulations. Violation of one or more of these laws can result in termination of employment, possible civil or criminal proceedings, and, if in an appointed or elected position, removal from office.

## **Zero-Tolerance Sexual Harassment Policy**

The term "sexual harassment" is defined by both Federal and New York State public employee employment law as defined in Section 703 of Title VII of the Civil Rights Act of 1964 and the New York State Human Rights Law and the Civil Rights Law of 1991. However, in the colloquial, sexual harassment at minimum includes sexual advances, sexual suggestion or request, sexual contact, or sexual groping by an employee, appointee, elected official to another employee, appointee, elected official or any member of the public in the town's workplace or by the employee, appointee or elected official during that individual's course of work on behalf of the town.

The Town of Portville does not tolerate sexual harassment in any form. An employee or appointee who is accused of sexual harassment will have an opportunity to prove that the accusation is false. However, if the accusation is found to be true, the employee or appointee will be terminated.

## **Immediate Supervisor**

The definition of immediate supervisor is the position that controls the work schedule of town board approved hours for a specific employee or appointee. The following schedule defines what specific supervisory position controls specific employees or appointees.



<b>Immediate Supervisor</b>	<b>Position</b>
Town Supervisor	Deputy Town Supervisor
Town Supervisor	Town Clerk & Tax Collector
Town Supervisor	First Deputy Town Clerk & Deputy Tax Collector
Town Supervisor	Bookkeeper
Town Supervisor	Town Attorney
Town Supervisor	Assessor
Town Supervisor	Deputy Assessor
Town Supervisor	Building Inspector/CEO/FCO
Town Supervisor	Dog Control Officer
Town Supervisor	Deputy Dog Control Officer
Town Supervisor	Town Historian
Town Justice	Court Clerk
Town Justice	Deputy Court Clerk
Highway Superintendent	Deputy Highway Superintendent
Highway Superintendent	Commercial Driver Class B

**Compensation**

Compensation is defined as the gross money received by an elected, appointed or employed town person inclusive of federal tax, state tax, FICA, social security, Medicare and any other component of withheld monies to satisfy statutory or employee-directed purposes.

**Permanent Employee or Appointee**

The term "permanent" refers to an employee or appointee position that is planned for an entire calendar year with anticipation for planned retention in future years. A permanent position may be created at any time by a quorum of members of the town board. A permanent position may be eliminated at any time by a quorum of members of the town board if one or more of the following conditions occur: a) funding for the department within which the position resides is inadequate to pay for the position as well as other department operating expenses; b) the position has been eliminated through reduction in operational demand or outsourcing of the position or function; or c) the position is no longer needed because of improvements in operating efficiency.

**Temporary Employee**

The term "temporary" refers to an employee position that has a limited duration of less than a year and does not have an anticipation for planned retention in future years. A temporary position and the specification of weekly scheduled hours may be created at any time by a quorum of members of the town board. A temporary position may be eliminated at any time by a quorum of members of the town board if one or more of the following conditions occur: a) funding for the department within which the position resides is inadequate to pay for the position as well as other department operating expenses; b) the position has been eliminated through reduction in operational demand or outsourcing of the position or function; c) the position is no longer needed because of improvements in operating efficiency; or d) the position is not longer deemed by the town board to be of sufficient worth versus the investment that would need to be made.

**Full Time Employee or Appointee**

The term "full time" refers to an employee or appointee position that is financially planned, budgeted and scheduled for a 8 hours per day, five days a week, Monday through Friday. The designation of "full time" is made by a quorum of members of the town board. See Appendix A for list of full time employee and appointee positions.

**Part Time Employee or Appointee**

The term "part time" refers to an employee or appointee position that is financially planned, budgeted and scheduled for less than a 40-hour workweek. The designation of "part time" is made by a quorum of members of the town board. See Appendix A for list of part time employee and appointee positions.

**Hourly Employee or Appointee**

The term "hourly" refers to an employee or appointee position that is paid a specific monetary amount per hour, commonly referred to as "hourly rate". An hourly employee or appointee is required to accurately complete and sign a weekly time



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card and obtain his/her immediate supervisor's countersignature. Falsifying a time card can result in termination of employment. The specific hourly rate is recommended by the immediate supervisor to and is made by a quorum of members of the town board to adopt or not adopt. See Appendix A for list of hourly employee and appointee positions.

### **Salaried Employee, Appointee or Elected Official**

The term "salaried" refers to an employee, appointee or elected official position that is financially planned and budgeted annually that is paid on a semi-monthly, monthly, quarterly or annual frequency. A salaried employee, appointee or elected official functions from a job description, federal and NYS regulation and, in some instances, a performance contract. Salaried positions are exempt from being paid overtime or any prorated additional compensation for working beyond the positions scheduled hours. The designation of "salaried" position is made by a quorum of members of the town board. See Appendix A for list of salaried employee, appointee and elected positions.

### **Schedule of Hours In A Week**

The "schedule of hours to be worked in a week" by an employee or appointee to satisfy the total hours in a week of a specific full time, part time or salaried position is recommended by the immediate supervisor to and is made by a quorum of members of the town board. Fixed scheduled hours are defined in Appendix A in 24-hour clock time. Flexible scheduled hours, hereinafter referred to as "flex", means that on that day hours may be worked that are not necessarily defined but on which the employee or appointee may be required to work. A "week" is defined as Monday through Sunday. See Appendix A for list of schedule of hours to be worked in a week by employee or appointed position.

### **Time Card**

Using a Town Board design-approved time card or a Town Board approved bio-recognition time card system, all employees and appointees that are paid on an hourly basis must record and certify by his/her signature the accuracy of the time worked and any vacation/sick/personal time taken. The immediate supervisor of the hourly employee or hourly appointee is responsible for attesting to the accuracy of the employees' and appointees' timecards and that the signature of the hourly employee or hourly appointee is authentic.

Falsifying data on a time card by an hourly employee or hourly appointee can result in termination of employment and will result, upon discovery, in compulsory reimbursement if hours were paid out for which the hourly employee or hourly appointee was not eligible.

### **Recording Work Product During Work Time**

Each hourly employee and hourly appointee must maintain a daily work log that explains the specific work and the time spent on that work to the closest minute. The daily work log is to be turned in at the end of each week to the employee's or appointee's immediate supervisor who will in turn deliver the work logs to the town bookkeeper for filing. Failure to complete Work Product Report, concurrent with the completion of the weekly time card, can result in a performance counseling report and, if more than 4 instances in a given year occur without a town-board accepted immediate supervisor's justification, may possibly result in termination of employment.

### **Meal Period**

A "Meal Period" of 30 minutes is required on a given day wherein the hourly employee or hourly appointee will work 8 or more hours. The meal period shall be taken between the 3<sup>rd</sup> and 5<sup>th</sup> hour of work. An hourly employee or appointee is not paid during a meal period and is required to note on his/her time card the time he/she stopped work to go on a meal period and the time he/she began work upon returning from a meal period.

### **Computation of Gross Weekly Earnings**

An hourly employee or hourly appointee is paid his/her hourly rate times the number of hours, or fraction thereof, worked up to 40 hours in a specific week. Any hours, or fraction thereof, worked over 40 hours in a specific week is paid one and one-half times his/her hourly rate.



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Example #1 shows a typical 40-hour work week over 5 days.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Hours Worked	8	8	8	8	8	0	0	40
Hours Scheduled	8	8	8	8	8	0	0	
Holiday	N	N	N	N	N	N	N	
Multiplier	1	1	1	1	1	0	0	
Example Rate	\$12	\$12	\$12	\$12	\$12	\$12	\$12	
Pay	96	96	96	96	96	0	0	480

Example #2 shows 40 hours being worked over 7 days.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Hours Worked	6	6	6	6	6	5	5	40
Hours Scheduled	8	8	8	8	8	0	0	
Holiday	N	N	N	N	N	N	N	
Multiplier	1	1	1	1	1	1	1	
Example Rate	\$12	\$12	\$12	\$12	\$12	\$12	\$12	
Pay	72	72	72	72	72	60	60	480

Example #3 shows 40 hours being worked over 3 days.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Hours Worked	0	12	16	0	0	0	12	40
Hours Scheduled	8	8	8	8	8	0	0	
Holiday	N	N	N	N	N	N	N	
Multiplier	1	1	1	1	1	1	1	
Example Rate	\$12	\$12	\$12	\$12	\$12	\$12	\$12	
Pay	0	144	192	0	0	0	144	480

### Computation of Gross Weekly Earnings During A Legal Holiday Week

If an hourly employee or hourly appointee is scheduled to, but does not, work on a day, other than a “flex” day, that is a “legal holiday”, he/she will receive his/her hourly rate times his/her scheduled number of hours for that day that happens to be a legal holiday.

Example #4 shows a legal holiday falling traditionally on a Monday when hours were scheduled.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Hours Worked	0	8	8	8	8	0	0	32
Hours Scheduled	8	8	8	8	8	0	0	
Holiday	Y	N	N	N	N	N	N	
Multiplier	1	1	1	1	1	0	0	
Example Rate	\$12	\$12	\$12	\$12	\$12	\$12	\$12	
Pay	96	96	96	96	96	0	0	480



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Example #5 shows a legal holiday falling traditionally on a Monday but when the employee was not scheduled to work that day. No holiday pay would occur in this example.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Hours Worked	0	10	10	10	0	0	0	30
Hours Scheduled	8	8	8	8	8	0	0	
Holiday	Y	N	N	N	N	N	N	
Multiplier	1	1	1	1	1	0	0	
Example Rate	\$12	\$12	\$12	\$12	\$12	\$12	\$12	
Pay	0	120	120	120	0	0	0	360

### **Computation of Gross Weekly Earnings When Working On A Legal Holiday**

When 40 or less hours are worked in a week wherein a legal holiday was also worked, an hourly employee or hourly appointee who works on a "legal holiday" as articulated in this personnel policy is paid two times his/her hourly rate for any hours, or fraction thereof, worked on that legal holiday.

Example #6 shows a legal holiday falling on a Monday when hours were worked on that holiday.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Hours Worked	8	8	8	8	8	0	0	40
Hours Scheduled	8	8	8	8	8	0	0	
Holiday	Y	N	N	N	N	N	N	
Multiplier	2	1	1	1	1	0	0	
Example Rate	\$12	\$12	\$12	\$12	\$12	\$12	\$12	
Pay	192	96	96	96	96	0	0	576

When more than 40 hours are worked in a week wherein a legal holiday was also worked, an hourly employee or hourly appointee who works on a legal holiday as articulated in this personnel policy is paid two times his/her hourly rate for any hours, or fraction thereof, worked on that legal holiday and an additional half-time for his/her hourly rate for any hours, or fraction thereof, worked over 40 hours.

Example #7 shows hours worked on a legal holiday and over 40 hours being worked in a week.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Hours Worked	8	8	10	10	8	0	0	44
Hours Scheduled	8	8	8	8	8	0	0	
Holiday	Y	N	N	N	N	N	N	
Multiplier	2	1	1	1	1	0	0	
Example Rate	\$12	\$12	\$12	\$12	\$12	\$12	\$12	
Pay	192	96	120	120	96	0	0	624
Overtime Hours								4
Overtime Pay (multiplier 0.5 x Hourly Rate x Overtime Hours)								24
Total Pay								648

### **Call Out Pay**

Call Out Pay of \$25, before required deductions, will be paid for each instance to any part-time, full-time, permanent, temporary, hourly employee or hourly appointee when the immediate supervisor of that position has given the instruction to the employee or appointee to perform one or more of his/her job functions at a time outside of his/her position's work schedule. A work schedule as depicted in Appendix A for a specific position can have both fixed and flex hours. Fixed



and flex hours are not eligible for Call Out Pay, except if the call out occurs on a holiday when fixed hours were scheduled that day.

**Compensating Time Off**

The Town of Portville does not provide compensating time off.

**Off-Site Training**

In instances where time worked by an hourly employee or hourly appointee is at a training facility not in the town building, the travel time to and from the facility as well as the hours spent in the classroom of the training facility will count as hours worked. This time must be represented on the hourly employee's or hourly appointee's time card.

**2 NYCRR 315.4**

In order for a salaried appointed or elected official to accrue hours towards NYS retirement on or after January 1, 2010, the salaried appointed or elected official must either use the town's timecard reporting system or follow the specific direction to establish a 90-day work pattern for submission via the town clerk to the town board for approval and forwarding to New York State as outlined in 2 NYCRR 315.4 on Reporting for Elected or Appointed Officials.

**Legal Holidays**

The Town of Portville recognizes the following event days as legal holidays.

<b>Legal Holidays</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
New Year's Day	12/31/2010	01/02/2012	01/01/2013	01/01/2014
Memorial Day	05/30/2011	05/28/2012	05/27/2013	05/26/2014
Independence Day	07/04/2011	07/04/2012	07/04/2013	07/04/2014
Labor Day	09/05/2011	09/03/2012	09/02/2013	09/01/2014
Veterans Day	11/11/2011	11/12/2012	11/11/2013	11/11/2014
Thanksgiving Day	11/24/2011	11/22/2012	11/28/2013	11/27/2014
Christmas Day	12/26/2011	12/25/2012	12/25/2013	12/25/2014

If an hourly employee or hourly appointee is normally scheduled to work on that day of the week on which the legal holiday falls and does not work on that legal holiday, the hourly employee or hourly appointee will be paid for his/her normally scheduled hours that day.

<b>Hourly Position</b>	<b>Holiday Paid Hours</b>
Town Clerk	8
Court Clerk	6
Commercial Driver Class B	8

Hourly employees or appointees who are required by their supervisor to work on one of these legal holidays will be paid twice his/her hourly rate for any hour, or fraction thereof, worked that day.

**Paid Vacation**

Each hourly employee or hourly appointee shall receive eligible vacation days according to the following schedule.

<b>Service Years Based On Hire Date</b>	<b>Vacation Hours</b>
1 Year or Less	0
More Than 1 Years But Less Than 5 Years	80
5 Years But Less Than 10 Years	104
10 Years But Less Than 20 Years	120
20 Years or More	160



An hourly employee or hourly appointee must receive the authorization of his/her immediate supervisor to take vacation at a specific time.

Vacation hours may not be carried over to a following year or years. Using the compensation rate in effect at the time vacation hours were earned, an hourly employee or hourly appointee will receive his/her hourly prorated compensation not later than the second pay period in January for any unused vacation days in the prior year.

Once an hourly employee or hourly appointee has begun his/her vacation, the immediate supervisor may not request or demand that the hourly employee or hourly appointee return to work during the duration of the approved vacation period. An hourly employee or hourly appointee may request his/her immediate supervisor to allow him/her to return to work and thus curtail or cut short his/her vacation. However the immediate supervisor may approve or decline such a request. Such requests must be made in writing, signed by both the employee and the immediate supervisor, and forwarded to the Bookkeeper

Each vacation hour taken must be noted on the hourly employee's or hourly appointee's time card with his/her scheduled hours and be signed by the immediate supervisor.

**Unpaid Vacation**

Salaried appointees making less than or equal to \$30,000 per year may take up to two weeks of unpaid vacation per month as long as it does not impede the timely completion of any town, county or New York State mandated deliverable. Unpaid vacation has no impact on their scheduled salary payments. Notification to the immediate supervisor by the salaried appointee of the dates on which an unpaid vacation are going to occur must be given in writing or by email at least one week in advance.

**Paid Sick Hours**

After 1 year of service, each full-time permanent hourly employee or full-time permanent hourly appointee earns eight paid sick hours every 73 days (January 1<sup>st</sup>, March 15<sup>th</sup>, May 27<sup>th</sup>, August 8<sup>th</sup>, and October 20<sup>th</sup>) and is limited to a maximum of 160 unused paid sick hours. After 1 year of service, each part-time permanent hourly employee or part-time permanent hourly appointee earns six paid sick hours every 73 days (January 1<sup>st</sup>, March 15<sup>th</sup>, May 27<sup>th</sup>, August 8<sup>th</sup>, and October 20<sup>th</sup>) and is limited to a maximum of 96 unused paid sick hours. Unused sick days are not payable upon the employee's or appointee's resignation or termination. A sick day is measured based on the average daily scheduled hours of the specific position as defined as follows:

<b>Paid Sick Hours Earned</b>	<b>Jan 1</b>	<b>Mar 15</b>	<b>May 27</b>	<b>Aug 8</b>	<b>Oct 20</b>
Town Clerk	6	6	6	6	6
Court Clerk	6	6	6	6	6
Commercial Driver Class B	8	8	8	8	8

Each paid sick day taken must be noted on the hourly employee's or hourly appointee's time card with his/her scheduled hours and be signed by the immediate supervisor.

**Paid Personal Hours**

Each January 1<sup>st</sup>, the Town of Portville provides its full-time permanent hourly employees and full-time hourly appointees each with 24 paid personal hours per year and provides its part-time permanent hourly employees and part-time hourly appointees each with 18 paid personal hours per year.

<b>Paid Personal Hours</b>	<b>Jan 1</b>
Town Clerk	18
Court Clerk	18
Commercial Driver Class B	24

An employee or appointee may request from his/her immediate supervisor authorization to take one or more earned Paid Personal Hour(s). The immediate supervisor may approve or deny permission to take one or more earned Paid Personal



Hour(s). Unused earned Paid Personal Hour(s) expire at the end of each calendar year. Taking a Paid Personal Hour(s) without immediate supervisor authorization in writing is job abandonment.

Unused Paid Personal Hour(s) may not be carried over to a following year or years. Using the compensation rate in effect at the time Unused Paid Personal Hour(s) were earned, a full-time permanent hourly employee, full-time hourly appointee, salaried employee or salaried appointee will receive his/her hourly prorated compensation not later than the second pay period in January for any Unused Paid Personal Days in the prior year.

Once an hourly employee, hourly appointee, salaried employee or salaried appointee has begun his/her Paid Personal Day, the immediate supervisor may not request or demand that hourly employee, hourly appointee, salaried employee or salaried appointee to return to work during the duration of the approved Paid Personal Day. An hourly employee, hourly appointee, salaried employee or salaried appointee may request his/her immediate supervisor allow him/her to return to work and thus curtail or cut short his/her Paid Personal Day. However the immediate supervisor may approve or decline such a request.

Each paid personal day taken must be noted on the hourly employee's or hourly appointee's time card with his/her scheduled hours and be signed by the immediate supervisor.

**Unpaid Personal Hours**

In each calendar year, the immediate supervisor may, without town board approval, authorize up to 112 unpaid personal hours to a full-time permanent hourly employee or full-time hourly appointee or up to 84 unpaid personal hours to a part-time permanent hourly employee or part-time hourly appointee as long as no additional working hours or overtime is required from other employees or temporary employees to perform the department's workload during the absence of the requestor.

<b>Unpaid Personal Hours</b>	<b>Requires Immediate Supervisor Approval</b>	<b>Requires Town Board Approval</b>
Town Clerk	1-84	85-336
Court Clerk	1-84	85-336
Commercial Driver Class B	1-112	113-448

If a full-time permanent hourly employee or full-time hourly appointee is requesting more than 112 unpaid personal hours or a part-time permanent hourly employee or part-time hourly appointee is requesting more than 84 unpaid personal hours, then such a request, with the immediate supervisor's recommendation, must be presented to the town board at its monthly town board meeting for consideration of approval or declination. The town board is empowered with the ability to grant up to a total of 336 unpaid personal hours for a part-time permanent employee or part-time hourly appointee, or up to a total of 448 unpaid personal hours for a full-time permanent employee or full-time hourly appointee.

Each pre-approved unpaid personal hour taken must be noted on the qualifying employee's or appointee's time card and be signed by the immediate supervisor.

Taking unpaid personal hours without the prior and appropriate levels of approval by the immediate supervisor and the town board constitutes job abandonment and will result in termination of employment.

Each unpaid personal day taken must be noted on the hourly employee's or hourly appointee's time card without indication of his/her scheduled hours and be signed by the immediate supervisor.

**Health Insurance**

Health insurance coverage is provided at no charge to: a) full time, permanent employees; b) full time, permanent appointees, and any elected official earning more than \$15,080. Health insurance coverage is provided to a former full-time, town retiree as long as the retiree remits the full insurance premium payment, inclusive of any applicable prepaid insurance card value, 30 days in advance of insurance premium due date. Health insurance coverage will be provided to any employee or appointee scheduled to work less than 40 hours a week but earning at least \$7,200 per year as long as the employee or appointee remits the full prepaid insurance card value upon invoicing and the full insurance premium payment 30 days in advance of insurance premium due date. Health insurance coverage will be provided to any elected



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official earning \$7,200 but less than \$15,080 as long as the elected official remits the full insurance card value upon invoicing and the full insurance premium payment 30 days in advance of insurance premium due date.

Health insurance coverage is provided to any requesting volunteer firefighter or volunteer ambulance driver that is an active member of the Portville Fire District or Westons Mills Fire District as long as the volunteer firefighter or volunteer ambulance driver remits by personal check or cashier's check the full insurance premium payment, inclusive of any applicable prepaid insurance card value, 30 days in advance of insurance premium due date to the town clerk of the Town of Portville.

### **Leaves of Absence**

The Town of Portville provides for the following leaves of absence:

1. **Maternity:** This type of leave applies to the town-employed father or town-employed mother of a child about to be born and/or having recently been born. Up to one week before the birth of an employee's child and for up to 90 days beyond the birth of employee's child, the position of the employee shall remain reserved for that employee's return. The Town Board reserves the right to replace the employee's or appointee's position with a temporary employee or temporary appointee during the leave of absence period. Beyond those timeframes, there is no guarantee of position availability or continued employment. No compensation is provided during a maternity leave of absence for hourly employees, hourly appointees, salaried employees or salaried appointees. Deviations from this policy require prior town board approval in writing.
2. **Medical (Non-Work-Related-Injury/Illness):** Beginning on the date of notification by employee to the Town of Portville town supervisor or deputy town supervisor, an employee or appointee may initiate an unpaid medical Non-Work-Related-Injury/Illness leave of absence. The actual date of commencement of unpaid medical leave of absence will occur after accrued, unused paid sick days, accrued, unused paid vacation days, and accrued, unused personal days have been exhausted. An unpaid medical leave of absence is provided for one month from the date of notification during which time the position of said employee or appointee is guaranteed. After one month of non-work-related-injury/illness medical leave, the town shall endeavor to fill the employee's or appointee's position and will not guarantee employment of employee or appointee, who has been on unpaid non-work-related-injury/illness medical leave, and there shall be no guarantee of the position to the employee or appointee upon their subsequent availability. For a non-work related injury or illness, no compensation is provided during an unpaid medical Non-Work-Related-Injury/Illness leave of absence for hourly employees, hourly appointees, or salaried appointees. Deviations from this policy require prior town board approval in writing.
3. **Medical (Work-Related-Injury):** For a work-related injury eligible under the definition of the Town's Worker's Compensation Insurance Plan, Worker's Compensation Insurance payments will be made to the applicable hourly employee, hourly appointee, or salaried appointee in accordance with the Workers Compensation Insurance policy. Excluding any Worker's Compensation Insurance benefits, an unpaid medical work-related-injury leave of absence of up to 30 days will be provided to any employee or appointee relating to his/her specific work related injury that is eligible to receive Worker's Compensation benefits. Deviations from this policy require prior town board approval in writing.
4. **Military Leave of Absence:** An hourly employee, hourly appointee, or salaried appointee, who is an active or inactive military reservist that has been placed on active duty, shall be granted a military leave of absence of up to one year. During that one year, the town board will make effort to backfill the hourly employee's, hourly appointee's, or salaried appointee's position with temporary personnel. Upon the return from military leave of absence, the town board will reinstate the hourly employee, hourly appointee or salaried appointee into the position his/she vacated as long as he/she is physically able to fulfill the duties of that position and that position is available. Deviations from this policy require prior town board approval in writing.
5. **Annual Military Summer Camp Leave of Absence:** A hourly employee, hourly appointee, or salaried appointee, who is an active military reservist that is called up to attend annual military summer camp for two weeks, shall have their position retained for two weeks until he/she returns. The hourly employee, hourly appointee, or salaried appointee shall receive net compensation between his/her scheduled weekly hourly pay (or semi-monthly pay if a salaried appointee) and his/her military gross pay during that period. The employee or appointee has the responsibility to provide the proof of military pay and the proof of demand to attend military



## TOWN OF PORTVILLE, NEW YORK

summer camp. Deviations from this policy require prior town board approval in writing.

6. **Death In The Family:** A permanent full-time hourly employee, permanent part-time hourly employee, full-time hourly appointee, or part-time hourly appointee, who experienced a death in his/her immediate family, shall receive 40 hours off with pay of death-in-the-family leave. Immediate family is defined as husband, wife, in-same-domicile domestic partner, son, daughter, sibling, father or mother. A permanent full-time hourly employee, permanent part-time hourly employee, full-time hourly appointee, or part-time hourly appointee, who experienced a death in his/her extended family, shall receive 8 hours off with pay of death-in-the-family leave. Extended family is defined as aunt, uncle, cousin, sister-in-law, brother-in-law, mother-in-law, father-in-law, grandfather or grandmother. Deviations from this policy require prior town board approval in writing.

### **Work Boot Partial Reimbursement**

Each calendar year, each Highway Department permanent, full time, hourly employee will be reimbursed up to \$100 when presenting a receipt for work boots for his/her use in the performance of his/her job duties. The request for reimbursement must be prepared on a voucher with the receipt attached and presented to the Town Clerk for processing. Reimbursement is limited to the amount of the receipt or \$100, which ever is less. The Town of Portville encourages Highway Department permanent, full time, hourly employees to purchase steel toed work boots to provide maximum job safety.

### **Privacy and Security**

The Town of Portville respects the privacy of its employees in terms of the confidentiality of their non-public meeting conversations, their right to privacy when using its public bathrooms. However, the Town of Portville exercises its right to monitor and video record all work areas both inside and outside of its buildings. Tampering with or making inoperable any such monitoring and video equipment as well as tampering with alarm systems is strictly prohibited and such actions can be grounds for termination as well as criminal charges. Implementation, modification or discontinuation of such security provisioning rests exclusively with the town board and its fiduciary officer the town supervisor.

### **Performance Review**

Not later than October 1<sup>st</sup> of each calendar year, the immediate supervisor will prepare a performance review of each employee and appointee reporting to him or her. The performance review will ensure both a quantitative and qualitative evaluation of the individual job function performance as well as the individual's written and verbal communications skills and effectiveness to successfully convey thoughts, direction, results, and opinions that constructively improve the performance of the department to which his or she is assigned. The resulting performance review may not be delivered to the employee or appointee until the town board has given its written approval to do so. The resulting performance review is to be emailed to each of the town board members prior to October 1<sup>st</sup>. The town board will meet in executive session in October to review the contents of each performance review. The town board will provide its written feedback concerning the performance reviews to the immediate supervisor who in turn will incorporate the noted corrections and resubmit to the town board. The town supervisor, on behalf of the town board, will ensure that the noted corrections have been incorporated and subsequently authorize by email that the immediate supervisor may deliver the performance review to the employee or appointee. Upon completion of the performance review session with the employee or appointee, the immediate supervisor is to provide a signed copy of the performance review to the town supervisor for inclusion in the individual's employment file.



# TOWN OF PORTVILLE, NEW YORK

## Schedule A

<b>Elected Officials</b>	<b>Term Years</b>	<b>Term Expiration</b>	<b>Position Status</b>	<b>Position Type</b>	<b>Pay Method</b>	<b>Weekly Hours</b>	<b>Work Days</b>	<b>Daily Hours</b>	<b>Pay Periodicity</b>	<b>Pay Rate</b>
Town Supervisor	2	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Quarter	\$9,434.00/Year
Town Councilperson	4	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Quarter	\$1,320.00/Year
Town Councilperson	4	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Quarter	\$1,320.00/Year
Town Councilperson	4	12/31/2013	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Quarter	\$1,320.00/Year
Town Councilperson	4	12/31/2013	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Quarter	\$1,320.00/Year
Town Justice	4	12/31/2013	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Month	\$9,000.00/Year
Town Justice	4	12/31/2014	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Month	\$1,200.00/Year
Highway Superintendent	4	12/31/2013	Permanent	Employee	Salaried	40+	As Needed	As Needed	1st & 15th Each Month	\$43,208.00/Year
<b>Appointed Officials</b>	<b>Term Years</b>	<b>Term Expiration</b>	<b>Position Status</b>	<b>Position Type</b>	<b>Pay Method</b>	<b>Weekly Hours</b>	<b>Work Days</b>	<b>Daily Hours</b>	<b>Pay Periodicity</b>	<b>Pay Rate</b>
Deputy Town Supervisor	1	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Quarter	\$5,000.00/Year
Town Clerk	2	12/31/2011	Permanent	Employee	Hourly	24	TWT Flex	8 Flex	Weekly	\$11.34/Hour
1st Deputy Town Clerk	1	12/31/2011	Permanent	Employee	Hourly	As Needed	As Needed	As Needed	Weekly	\$12.50/Hour
Court Clerk	1	12/31/2011	Permanent	Employee	Hourly	24	MTWT Flex	6 Flex	Weekly	\$12.50/Hour
Deputy Court Clerk	1	12/31/2011	Permanent	Employee	Hourly	As Needed	As Needed	As Needed	Weekly	\$10.00/Hour
Town Attorney	2	12/31/2011	Permanent	Contractor	Hourly	As Needed	As Needed	As Needed	Monthly Invoice	\$170.00/Hour
Bookkeeper	1	12/31/2011	Permanent	Contractor	Hourly	As Needed	As Needed	As Needed	Monthly Invoice	\$40.00/Hour
Sole Assessor	6	09/30/2013	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	1st & 15th Each Month	\$23,111.10/Year
Deputy Assessor	1	12/31/2011	Permanent	Employee	Hourly	As Needed	As Needed	As Needed	Weekly	\$10.00/Hour
Webmaster	1	12/31/2011	Permanent	Employee	Hourly	5	As Needed	1 Flex	Weekly	\$15.00/Hour
Planning Board Secretary	1	12/31/2011	Permanent	Employee	Hourly	As Needed	Once A Month	10 Flex	End of Month	\$10.00/Hour
Dog Control Officer	1	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Month	\$356.00/Month
Deputy Dog Control Officer	1	12/31/2011	Permanent	Employee	No Pay	As Needed	As Needed	As Needed	No Pay	No Pay
Building Inspector/CEO/FCO	1	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Month	\$666.00/Month
Town Historian	1	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Year	\$1/Year
Planning Board Chair	1	12/31/2011	Permanent	Employee	No Pay	As Needed	Once A Month	As Needed	No Pay	No Pay
Planning Board Member	5	12/31/2011	Permanent	Employee	No Pay	As Needed	Once A Month	As Needed	No Pay	No Pay
Planning Board Member	5	12/31/2012	Permanent	Employee	No Pay	As Needed	Once A Month	As Needed	No Pay	No Pay
Planning Board Member	5	12/31/2013	Permanent	Employee	No Pay	As Needed	Once A Month	As Needed	No Pay	No Pay
Planning Board Member	5	12/31/2014	Permanent	Employee	No Pay	As Needed	Once A Month	As Needed	No Pay	No Pay
Planning Board Member	5	12/31/2015	Permanent	Employee	No Pay	As Needed	Once A Month	As Needed	No Pay	No Pay
Board of Assessment Review Chair	1	09/30/2011	Permanent	Employee	No Pay	As Needed	14 Days/Year	As Needed	No Pay	No Pay
Board of Assessment Review Deputy Chair	1	09/30/2011	Permanent	Employee	No Pay	As Needed	14 Days/Year	As Needed	No Pay	No Pay
Board of Assessment Review Member	5	09/30/2011	Permanent	Employee	No Pay	As Needed	14 Days/Year	As Needed	No Pay	No Pay
Board of Assessment Review Member	5	09/30/2012	Permanent	Employee	No Pay	As Needed	14 Days/Year	As Needed	No Pay	No Pay
Board of Assessment Review Member	5	09/30/2013	Permanent	Employee	No Pay	As Needed	14 Days/Year	As Needed	No Pay	No Pay
Board of Assessment Review Member	5	09/30/2014	Permanent	Employee	No Pay	As Needed	14 Days/Year	As Needed	No Pay	No Pay
Board of Assessment Review Member	5	09/30/2015	Permanent	Employee	No Pay	As Needed	14 Days/Year	As Needed	No Pay	No Pay
Deputy Highway Superintendent	1	12/31/2011	Permanent	Employee	Salaried	As Needed	As Needed	As Needed	End of Month	\$100.00/Month
<b>Non-Elected &amp; Non-Appointed Employees</b>	<b>Term Years</b>	<b>Term Expiration</b>	<b>Position Status</b>	<b>Position Type</b>	<b>Pay Method</b>	<b>Weekly Hours</b>	<b>Work Days</b>	<b>Daily Hours</b>	<b>Pay Periodicity</b>	<b>Pay Rate</b>
Commercial Driver Class B	NA	NA	Permanent	Employee	Hourly	40	MTWTF	8	Weekly	\$16.75/Hour

**Legend:**  
 NA - Not Applicable  
 TWT - Tuesday, Wednesday, Thursday  
 MTWT - Monday, Tuesday, Wednesday, Thursday  
 MTWTF - Monday, Tuesday, Wednesday, Thursday, Friday  
 Flex - Flextime Scheduling Option



**Resolution RES-20110119.5: 2011 Personnel Policy**

- WHEREAS,** The Town of Portville town board endeavors to ensure clarity in its personnel policies; and,
- WHEREAS,** The Town of Portville town board has elected to ensure clarity by converting wording in some instances from days to hours, and,
- WHEREAS,** The Town of Portville town board wants to incorporate wording relating to matters of privacy and security; and,
- WHEREAS,** The Town of Portville town board desires to incorporate appropriate wording covering the health insurance coverage and conditions for volunteer firefighters and volunteer ambulance drivers of the Portville Fire District and the Westons Mills Fire District; and,
- WHEREAS,** The Town of Portville town board wishes to embrace recommendations of clarity provided by the Office of the State Comptroller.

**NOW, THEREFORE,** the Town Board of the Town of Portville resolves that:

By vote of a majority of members of the Town Board of the Town of Portville, that the Town of Portville personnel policy for 2011, known as version V20110101a, has hereby been approved retroactive to January 1, 2011 and does so supersede all prior versions of said policy.