

Delaware County Employee Handbook



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DELAWARE COUNTY PERSONNEL OFFICE

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TABLE OF CONTENTS

Purpose.....4
Delaware County Government.....4

EMPLOYMENT POLICIES AND PROCEDURES

Personnel Office..... 4
Equal Employment Opportunity..... 5
Meeting the Public..... 5
Confidentiality..... 5
Public Relations..... 6
Disciplinary Action..... 6
Personnel Files..... 6
Grievances..... 7
Your Job Classification..... 7
Collective Bargaining Agreement..... 9
Representation..... 9
Notice of Janus Rights..... 9

PAY

Rate of Pay..... 8
Pay Days..... 8

HOURS OF WORK AND LEAVE TIME

Hours of Work and Attendance..... 8
Leaves of Absence without Pay..... 11
Family and Medical Leave Act of 1993..... 12
Military Leave..... 12
Veterans Educational Leave..... 12
Vacations..... 12
Personal Leave..... 13
Sick Leave..... 13

BENEFITS

Employee Benefits..... 11
Off the Job Disability Insurance..... 14
Retirement..... 15
Health Insurance..... 16
Unemployment Insurance..... 18
Workers Compensation (On the Job Injury) 7
Deferred Compensation 16

Civil Service and the Merit System..... 18

Unclassified..... 19
Classified:
 Competitive..... 19
 Non-Competitive..... 19
 Labor..... 19
 Exempt..... 19

Appointments	20
Permanent.....	20
Provisional.....	20
Temporary.....	20
Seasonal.....	21
Probationary Periods	21
Resignations	22
Civil Service Examinations	22
Open-Competitive.....	23
Promotional.....	23
Veterans Credit.....	24
Eligible Lists.....	24
Canvass of Eligible List.....	24
County Policies	
Code of Ethics.....	25
Smoking Policy.....	31
Drug Free Workplace.....	31
Sexual Harassment Policy.....	32
The Hatch Act.....	42
County Vehicle Policy.....	44
Mileage/Meal Reimbursement.....	48
Workplace Violence Policy	48
Computer Use Policy.....	55

PURPOSE

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

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

DELAWARE COUNTY GOVERNMENT

Delaware County Government comes under the general jurisdiction of an elected Board of Supervisors. The Board consists of nineteen (19) Supervisors each representing a town in the County. The Board operates under a weighted voting system which is based on the population of the town they represent. Supervisors are elected for two year terms, except Deposit, Harpersfield, Sidney and Tompkins, which are 4 year terms.

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

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

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

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

PERSONNEL OFFICE

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

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

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

EQUAL EMPLOYMENT OPPORTUNITY

In accordance with Resolution #86 of 1974, as amended by Resolution #141 of 2015, and various Federal and State requirements it is the policy of Delaware County that all employees and potential employees shall be afforded equal opportunity in matters such as hiring, promotion and all other employment activities without regard to their race, creed, sex, color, national origin, religion, age, handicap, sexual preference, military status or marital status.

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

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

Further information is available from the Personnel Office.

MEETING THE PUBLIC

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

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

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

CONFIDENTIALITY

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

PUBLIC RELATIONS

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

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

DISCIPLINARY ACTION

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

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

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

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

PERSONNEL FILES

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

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

GRIEVANCES

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

ON THE JOB INJURY

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

Every job related injury must be reported in writing (C-3 form) to the department head or his designee at the earliest possible time that circumstances permit. Prompt reporting protects you.

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

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

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

Law enforcement employees in the Sheriff's Office may also qualify for 207(c) Workers' Compensation claims for injuries incurred in the line of duty.

Please check your collective bargaining agreement for additional details.

YOUR JOB CLASSIFICATION

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

RATE OF PAY

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

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

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

HOURS OF WORK AND ATTENDANCE

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

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

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

PAY DAYS

The County pays its employees on a bi-weekly basis. For most employees pay day falls on Friday, however, special arrangements may be made to pay those employees on the third shift at the Delaware County Public Safety Building. You should check with your supervisor or department head to determine the exact day and time you will be paid. The two week pay period runs from Sunday to Saturday. Your pay check will include wages earned up to and including the previous Saturday. Deductions will be taken out of your salary for State and Federal income taxes and for Social Security. There may also be deductions for the New York State Retirement as required by the employee's plan, Union dues, disability insurance, health insurance, or the deferred compensation. Direct deposit and mailing of paychecks is available please contact the personnel department for information.

COLLECTIVE BARGAINING AGREEMENT

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

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

REPRESENTATION

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

NOTICE OF JANUS RIGHTS FOR NEWLY HIRED EMPLOYEES

Positions, which are covered by a collective bargaining unit (union), membership in a union is NOT mandatory. It is your decision.

- * Union membership is not required as a condition of your employment with Delaware County.
- * It is illegal for anyone to coerce or interfere with your right to not join or to join a union.
- * It is illegal for anyone to discriminate against you for not being a union member or for being a union member.

What is the Janus decision about?

In the Janus decision, the United States Supreme Court concluded that **it is unlawful for a public sector union to take money from a public sector employee if the employee has not voluntarily and affirmatively agreed to pay the union dues.** Prior to the Janus decision, public sector unions could charge non-union members to pay an "agency fee" to cover the costs to negotiate and administer the collective bargaining agreement as a condition of employment. The Janus decision makes it unlawful for public sector employers or unions to require that an employee who is not a voluntary dues paying union member to pay an agency fee to a union as a condition of obtaining employment or continued employment. This means that no payment of any kind to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to such a payment.

What is the difference between a bargaining unit employee and a union member?

A bargaining unit is a grouping or classification of employees that a union represents as the exclusive bargaining representative. A collective bargaining agreement defines which positions or classifications are part of the bargaining unit. Union members are members of the bargaining unit who choose to join and/or support the union that is the exclusive bargaining representative.

Do I have the right to participate or refrain from participating in union activities?

Yes! In New York State the Taylor Law specifically states that employees have either right-refrain from participation or participation. Accordingly, a union or an employer cannot force an employee to join a union. If you refrain from joining, you cannot be required to pay dues or agency fees to the union. However, unions may still require members to pay dues, but non-members are not required to pay any money to the union as a condition of employment. The Taylor Law prohibits employers and unions from coercing or interfering with an employee's choice to participate in union activity. ** This includes the choice to engage in organizing activity, join a union, pay membership dues, or refrain from participating in any union activity. Employees cannot be discriminated against by the employer or the union for exercising their rights. **

Do unions still have an obligation to represent non-members within the bargaining unit?

Yes. The terms of collective bargaining agreements still apply to all employees within the bargaining unit, regardless of whether they are members of the union. Unions are still required to fairly represent all employees in the bargaining unit when negotiating and enforcing collective bargaining agreements. However, unions are allowed to limit representation services in certain circumstances. Specifically, as long as the non-member employee is allowed to proceed without union representation or retain private representation, the union is not required to provide representation (1) during questioning by the employer, (2) during a statutory or administrative proceeding or to enforce statutory or regulatory rights, or (3) in any stage of a grievance, arbitration, or contractual process concern in evaluation or discipline of the employee.

What are union dues?

Union dues are a regular payment of money made by members of unions. The Union sets the amount of the dues. Dues payments have nothing to do with the County or your job at the County, nor are dues or union membership in any way required by the County. Dues are the cost of union membership; they are used to fund the various activities, which the union engages in. All of the unions representing County employees require their members to pay dues. If you agree to pay union dues, the Union requires the County to deduct the dues from your paycheck in each payroll. County payroll is bi-weekly.

What must an employee do to voluntarily and affirmatively agree to pay union dues?

New York State law requires that such an agreement to collect dues be set forth on a dues deduction authorization card that the union must have an employee sign. The union must provide this card to the employer. A public employer like Delaware County may only deduct union dues from and employees' paycheck when the County has a copy of a signed union dues authorization card on file for the employee.

When can the County deduct membership dues from an employee's wages?

State Law requires unions to provide proof that a deduction authorization has been executed in a format permitted by article three of the state technology law. Deduction authorizations will remain in effect unless the employment relationship is terminated or the authorization is revoked by the employee in accordance with the terms of the authorization. However, a deduction authorization will automatically renew within one year in a position represented by the same union.

As such, if you do not want to have the pay deduction continued you must revoke the authorization in accordance with the union's rules.

If I later want to stop paying dues, how can I find out what the union's rules are for withdrawing union dues deduction authorization?

The County is not privy to the union rules or procedures. The Union is a completely separate and independent business operation. Employees may want to find out what the union's revocation rules are before signing an authorization card. In any event, you should inquire with the union offering you the authorization card for the union's dues deduction revocation rules.

EMPLOYEE BENEFITS

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

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

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

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

LEAVES OF ABSENCE WITHOUT PAY

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

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

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

FAMILY AND MEDICAL LEAVE

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

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

MILITARY LEAVE OF ABSENCE

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

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

VETERAN'S EDUCATIONAL LEAVE

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

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

VACATIONS

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

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

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

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

PERSONAL LEAVE

Employees are credited with and may use Personal Leave in accordance with the provisions of the Collective Bargaining Agreement. Although there are no restrictions as to what Personal Leave can be used for, its use must be approved in advance by the department head or his or her designee, and such approval is subject to the work requirements of the department or work unit.

Departments may establish certain requirements concerning how far in advance a personal leave request must be submitted within the terms of the applicable collective bargaining agreement. You should check with your department to ascertain what these requirements may be. Personal leave is not accumulative from year to year.

SICK LEAVE

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

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

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

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

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

There are also benefits to maintaining adequate time on the books in case extended illness or injury. You should review you Collective Bargaining Agreement for details.

Upon resignation or retirement, accrued, unused sick leave is not paid to the employee. Delaware County has the 41J option for certain plans within NYS Retirement system. 41J allows a percentage of unused accrued sick time to be credited towards their retirement benefit.

RETURN TO WORK AFTER MEDICAL, DISABILITY OR WORKERS' COMPENSATION LEAVE:

Except as otherwise provided, the County may require a doctor's certificate for any absence in excess of three (3) days. In addition, the County may require a doctor's certificate for any absence if an employee has established a pattern of abusing sick leave such as repeatedly using sick leave on the day before and after a regular day off or the day before and after a paid leave.

Any employee, returning to work following a paid medical leave, unpaid medical leave, Family and Medical Leave Act leave for disability, disability leave, Workers Compensation leave in excess of three days, must be able to perform the duties of the respective position, with or without reasonable accommodation in order to return to work. Therefore, the employee must provide the employer with the appropriate documentation from the medical provider to substantiate fitness for duty at full performance with or without reasonable accommodation. Should a reasonable accommodation be recommended by the medical provider, the employee must furnish the employer with medical documentation by a qualified medical provider, which substantiates the ability of the employee to perform the duties of his/her position. At the request of the employer, the employee shall provide an explanation for the requested accommodation and to provide information as to alternative accommodations. To ensure the safety of the employee and his/her work environment, the employee may be requested to provide the employer with authorization permitting the employer to discuss with the medical provider the details and circumstances of the disability, as well as any request for accommodation thereof. The employee has a right to be present any time the County has a conversation with the medical provider.

The employee shall engage, in good faith, in the "interactive process" required by the Americans with Disabilities Act and the New York State Human Rights Law. Should the employee fail to participate in good faith in the interactive process or fail to supply requested medical documentation, or execute appropriate authorizations for the release of medical records as requested by the employer, the request for accommodations may be deemed abandoned and the employer may be within its lawful rights to refuse re-employment or reinstatement to the employee, as appropriate, until the requirements are met.

OFF THE JOB DISABILITY INSURANCE

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

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

Employees who become disabled off the job and who are entitled to sick leave may elect to use their sick leave or to receive disability payments. However, they may not be paid both simultaneously. Even though an employee elects to use his or her sick leave first, a disability claim should be filed immediately. This will ensure that payments are made as soon as an employee is eligible. Claims filed more than 30 days after an employee becomes disabled may not receive pay for dates prior to filing.

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

RETIREMENT

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

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

There are distinct classes of membership under the Retirement System depending on when you first joined the system:

- Tier I: Prior to July 1, 1973
- Tier II: July 1, 1973 through July 26, 1976
- Tier III: July 27, 1976 through August 31, 1983
- Tier IV: September 1, 1983 through December 31, 2009
- Tier V: January 1, 2010 through March 31, 2012
- Tier VI: April 1, 2012 or after

Although similar, there are certain variations in the retirement plan for each tier with respect to employee contributions, benefits, retirement age and so forth. Please note that if you were a member of the New York State Retirement System prior to being employed by the County, your Tier status may be determined by your previous public employment and not the date you were

employed by the County. However, the rules and regulations governing membership and benefits are complicated, therefore, each case can only be considered on an individual basis.

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

Whereas the retirement law is so extensive and complex it is impossible to provide detailed information here relative to membership and benefits. In addition to this handbook, new employees will receive information describing retirement benefits and membership requirements. Employees may also obtain retirement information on line from the NYS and Local Retirement System.

DEFERRED COMPENSATION

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

- Authority - Internal Revenue Code, Section 457.
- Employees may defer (contribute) a portion of their salary to a retirement account and not pay current Federal or State income taxes on (a) the amount contributed or deferred and (b) any earnings on the amount deferred Plan administrator - Nationwide Retirement Solutions Investment options - Amounts deferred may be placed in a variety of account options including fixed and variable return investment.
- Limits on amounts deferred - Minimum \$20.00 per pay period. Maximum amount varies according to IRS Law.
- Deferrals are made by payroll deduction.
- Withdrawal restrictions - Some restrictions apply. You may contact Nationwide regarding these restrictions.

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

HEALTH INSURANCE

Delaware County offers eligible employees with POS/HMO and PPO health insurance plans. Prescription and dental coverage are options available to eligible employees.

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

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

It is the responsibility of individual employees to ensure that they have the correct health insurance coverage. Eligible employees are given the opportunity to obtain coverage at the time they complete their employment forms in the Personnel Office. However, subsequent to this, all changes affecting employee coverage including marital status (marriage, divorce or separation), change of address, death of a spouse or family member, addition of a dependent, employee or spouse attaining age 65 and becoming eligible for enrollment in the Federal Medicare program or a dependent reaching their twenty-sixth birthday must be reported by the covered employee to the Personnel Office **immediately.**

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

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

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

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

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

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

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

The circumstances under which the County will continue to assume the cost of your health insurance in the event you become disabled and you do not have sufficient paid sick leave to cover the duration of your disability are contained in the Health Insurance section of your Collective Bargaining Agreement. In general, when your department head and the Personnel Office approves a leave of absence for disability or personal reasons, you will receive a notice from the Personnel Office indicating the duration of the approved leave, the period for which the County will continue to pay premiums, and when it will be necessary for the employee to make direct payment to the Personnel office with checks made payable to the Treasurer's Office in order to continue coverage.

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

UNEMPLOYMENT INSURANCE

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

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

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

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

CIVIL SERVICE AND THE MERIT SYSTEM

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

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

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

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

Positions under Civil Service fall within a number of different categories or jurisdictional classifications. The State Civil Service Commission makes the final decision as to jurisdictional classification of County positions, that is, whether they will be in other than the competitive class; i.e. in the non-competitive, exempt, labor class or if they will be part of the unclassified service. To place a position in other than the competitive class, the Personnel Office must adopt a resolution requesting that the State approve a position in the non-competitive, labor or exempt class or in the unclassified service.

A public hearing is held on the resolution before it is forwarded to the State for consideration. If approved by the State, the title is added to the appropriate Appendices of the Delaware County Civil Service Rules.

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

Classified Service:

1. Competitive Class: Positions in this class are filled from Civil Service eligible lists which are established after applicants compete in examinations. If no eligible list exists for a title, a person may receive a provisional appointment until an exam is given, and an eligible list is established. Civil Service Law requires that appointments must be made from one of the top three persons on the list by score, who are ready, willing, and able to accept appointment when it is offered.

2. Non-Competitive Class: This class includes positions for which it is not practicable to use examinations. For instance, Registered Professional Nurse, Heavy Equipment Operator, and Motor Equipment Operator are included in this class. Non-competitive positions are contained in Appendix B of the Civil Service Rules. Although appointments are not made from a list, all appointees must meet all training and experience requirements as stated on the formal position specification (job description) for the title.

3. Labor Class: These positions are not filled through competitive examination. Generally, no training or experience requirements are established for these positions and appointments are made at the discretion of the appointing authority. Labor class positions are listed in Appendix C of the Civil Service Rules.

4. Exempt Class: Positions in this class do not require examinations, nor are formal qualifications established for the positions. By law, all positions in this class involve either highly confidential or policy-making functions.

KINDS OF APPOINTMENTS

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

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

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

- * Persons receiving a provisional appointment are required to take a Civil Service examination at such time as one is scheduled by the State. In order to continue their employment and to be eligible for permanent appointment, a provisional must place in the top three scores of those persons passing the examination and who are willing to accept the position. If three other people score higher on the exam and are willing to accept the position, then the provisional must be terminated.
 - * If a provisional fails an examination and three other people pass and are willing to accept the position, the provisional must be terminated.
 - * If a provisional fails the examination and fewer than three other people pass the exam and are willing to accept the position, the provisional may be given a second chance to take the examination.
 - * If the provisional fails an examination the second time and even one other person passes the exam and is willing to accept the position, the provisional must be terminated. If no one else passes the second examination or if no one passing the exam is willing to accept the position, the provisional may be given a third and final opportunity to take an examination.
 - * If a provisional fails an examination a third time, they must be terminated regardless of whether or not anyone else takes or passes the examination.
3. **Temporary Appointments** are made under several different sets of circumstances. The most common being to fill a vacancy which exists because an employee having a prior claim to the position is on an approved leave of absence.
- * Another circumstance is that occasionally a question concerning the Civil Service or administrative status of a title or position must be resolved before an appointment to the position can be made on either a provisional or permanent basis. (Example: When the State Civil Service Commission has not assigned a newly created title to a Jurisdictional Class.)
 - * A third is when a permanent incumbent has received a provisional or temporary assignment to a higher level position and retains the right to return to his former position.

- * Yet a fourth situation is where temporary appointment is made to any position which is created only for a specific limited period of time, usually less than one year (12 months).
- 4. A **Seasonal Appointment** is made to a position which is not continuous throughout the year, but which recurs in each successive year.

NOTES

Service under provisional appointment does not confer or establish any prior right toward any permanent appointment. In order to receive permanent appointment the provisional appointee must be reachable on the eligible list when it is established.

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

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

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

PROBATIONARY PERIODS

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

Probationary periods for most positions are for a minimum of 8 weeks and a maximum of 26 weeks. Probationary periods may be longer for certain positions in the Department of Social Services and Sheriff's Office employees.

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

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

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

RESIGNATION

Rule XX of the Delaware County Civil Service Rules provides:

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

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

CIVIL SERVICE EXAMINATIONS

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

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

Exam announcements are normally publicized for at least 1 month prior to final filing date. No applications can be accepted after the final filing date. There is a \$15.00 or \$20.00 filing fee for EACH examination applied for.

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

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

After exams are scored, those who participated are advised by mail of their score and of their relative standing on the resulting eligible list. Band scoring is used to score all New York State civil service examinations. This is a method by which different raw scores receive the same final score.

The pass point is set before score bands are determined; no one moves from fail to pass as a result of band scoring. In a promotional examination, seniority points are added to the raw score prior to applying the total raw score to bands. Veterans' credits are added to the final score.

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

OPEN COMPETITIVE EXAMINATIONS

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

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

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

PROMOTIONAL EXAMINATIONS

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

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

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

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

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

VETERAN'S CREDITS FOR APPOINTMENT

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

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

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

ELIGIBLE LISTS

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

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

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

CANVASS OF ELIGIBLE LIST

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

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

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

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

CODE OF ETHICS

BE IT ENACTED, by the Board of Supervisors of the County of Delaware, New York that the Code of Ethics is hereby adopted as follows:

Section 1. Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Supervisors of the County of Delaware recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained, and if public confidence is to be maintained in our unit of local government. It is the purpose of the Code of Ethics to promulgate these rules of ethical conduct for the municipal officers and employees of the County of Delaware and shall replace and supersede the Delaware County Code of Ethics dated October 14, 1970. These rules shall serve as a guide for official conduct of the officers and employees of the County of Delaware. The rules of ethical conduct of this resolution as adopted shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of Delaware County.

Section 2. DEFINITIONS:

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

Section 3. ANNUAL DISCLOSURE:

- (a) The officers and employees of Delaware County as set forth more particularly but not necessarily exhaustively on the representative list of such employees annexed hereto and incorporated herein as Appendix "A", shall be required to sign and file an annual disclosure statement. The form annual disclosure statement is annexed hereto and incorporated herein as Appendix "B".
- (b) The annual disclosure statements shall be filed with the office of the Delaware County Clerk of the Board no later than the 31st of March each year. The first such filing pursuant to this policy shall be required no later than March 31, 2016.

Section 4. STANDARDS OF CONDUCT:

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

- (a) **Gifts:** Officers or employees shall not directly or indirectly solicit any gift, bequest and/or gratuity; or accept or receive any gift, and/or gratuity having a value of \$75.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, bequest, thing or promise or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on their part.

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

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

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

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

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

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

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

Section 5. POSTING AND DISTRIBUTION:

The Delaware County Clerk of the Board or his or her designee must promptly cause a copy of this Policy, and a copy of any amendment to this Policy, to be posted publicly and conspicuously in each building under Delaware County's control. Each officer and employee elected or appointed shall be furnished a copy before entering upon the duties of their office or employment by the Personnel Department.

Section 6. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand, or suit against the County of Delaware, or any agency, thereof, on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 7. PENALTIES:

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

Section 8. EFFECTIVE DATE

This Policy shall take effect January 1, 2016.

APPENDIX "A"

The following Delaware County officers and employees shall be among those who must file a financial disclosure statement as provided by the Delaware County Code of Ethics:

Alcoholism Clinic

Director, Alcoholism Clinic

Board of Elections

Commissioners

Deputy Commissioners

Board of Supervisors

Chairman, Board of Supervisors

Supervisors

Buildings

Superintendent, Buildings and Grounds

CDO/OET Workforce

Employment and Training Director

Clerk of the Board of Supervisors

Clerk of the Board of Supervisors

Deputy Clerk of the Board of Supervisors

Code Enforcement

Code Enforcement Officer

County Attorney

County Attorney

First Assistant County Attorney

Assistant County Attorneys

County Clerk

County Clerk

Deputy County Clerk

2nd Deputy County Clerk

3rd Deputy County Clerk

Solid Waste/Compost Facility

Director of Solid Waste

Director of Compost Facility

County Treasurer

County Treasurer

Deputy County Treasurer

Department of Emergency Services

Director of Emergency Services

District Attorney

District Attorney

First Assistant District Attorney

Assistant District Attorney

Drug-Abuse

Chemical Dependency Clinic Director

Economic Development

Director of Economic Development

Director of Industrial Development

Economic Development Specialist

Grants Manager II

Information Technology

Director, Information Technology

Mental Health Clinic

Director of Community Mental Health Services

Director Intensive Youth and Family Treatment Program

Director Children's Services and Program Development

Office for the Aging

Director, Office for the Aging

Personnel Department

Personnel Officer

Planning Board

County Planning Director

Probation Department

Probation Director I

Public Health

Director of Public Health

Director of Patient Services

Department of Public Works Administration

Department of Public Works Commissioner

Deputy Department of Public Works Commissioner

Assistant to Department of Public Works Commissioner

General Highway Supervisor

General Highway Supervisor II

Safety and Training Manager

Sealer of Weights and Measures

Director of Weights and Measures I

Sheriff's Office

Sheriff

Undersheriff

Social Services Department

Commissioner of Social Services

Director of Social Services

Director of Administrative Services

Director of Programs

Director of Social Services Investigations

Director of Income Maintenance

Tax & Assessment

Director of Real Property Tax Services I

Veteran Services

Director of Veteran Service Agency

Watershed Affairs

Commissioner of Watershed Affairs

Assistant to Commissioner of Watershed Affairs

Grants Manager II

1- The term "related party" means: (a) your spouse, minor children and dependents; (b) a firm, partnership or association of which you are a member or employee; (c) a corporation of which you are an officer, director or employee; or (d) a corporation of which you directly or indirectly own or control any stock.

2- The term "business transaction" means any express or implied claim, account or demand against, or agreement with the municipality, including but not limited to submission of a voucher for payment by the municipality, designation of a depository of public funds, and designation of a newspaper for the publication of municipal notices, resolutions, ordinances etc. authorized or required by law, but does not include vouchers submitted for reimbursement of actual and necessary expenses occurred in the performance of official duties.

3- Enter the manner in which the business or organized, e.g. sole proprietorship, partnership, corporation, etc.

4- Enter the relationship between you or your spouse and the business, e.g. owner, member, partner, stockholder, director, officer, employee etc.

APPENDIX "B"

Municipality: Delaware County

Officer's Name and Title: _____, **affirms that:**

- a. I have received a copy of the Delaware County Ethics Disclosure Policy;
- b. I have read and understand the Policy;
- c. I agree to comply with the Policy.

SECTION 1: Private – Municipal Transactions

Have you, or a "related party,"¹ during the January 1, 20__ through December 31, 20__ engaged in any "business transaction"² to which Delaware County was a party?

Please circle one: Yes or No. If you circle yes, please describe the business transaction on the lines below.

SECTION 2: Private Employment

Please list your and your spouse's private employer(s) and position(s).

<u>Individual</u>	<u>Employer</u>	<u>Position</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

None ____

SECTION 3: Private Business Interests

Please list your and your spouse's private business interests, excluding corporations in which you or your spouse own or control less than 5% of the outstanding stock.

<u>Individual</u>	<u>Name of Business</u>	<u>Form of Business</u> ³	<u>Nature of Interest</u> ⁴
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

None ____

Date: _____

Signature: _____

Phone Number: () _____

Print Name: _____

COUNTY SMOKING/TOBACCO USE POLICY

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

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

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

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

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

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

Department Heads shall:

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

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

DRUG FREE WORKPLACE

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

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

Delaware County's Responsibilities under this Act:

We have to tell you that you can't bring in, make, distribute or sell, use or even have with you drugs when you're here.

We have to inform you of the dangers of drugs in the workplace.

We will tell you what is available to you.

We have to provide you with our written policy (a copy of which is provided each employee at the time of employment) (copies are available at the personnel office).

Within 30 days of your telling us about a work related conviction, we must either:

1. Discipline you - right up to discharging you, or
2. Offer you any help available to combat your involvement with drugs

The employee's rights and responsibilities under the act:

You have to read our policy statement (provided at time of employment).

You have to agree to abide by the rules of our drug-free workplace. We can discharge you if you don't.

You have the right to know what help is available to aid you in overcoming an involvement with drugs.

If you're convicted of a criminal drug violation in our workplace, **you** have to tell us **within five days** after the conviction.

If you are convicted, we may offer a program to help you instead of disciplining you. If you agree to accept help, **you** must satisfactorily complete the steps agreed on or risk losing your job.

SEXUAL HARASSMENT

Pursuant to Resolution Number 204 of 1993 and modified by Resolution Number 209 of 2018 passed by the Delaware County Board of Supervisors, it shall be the policy of the County of Delaware that every employee of Delaware County government shall be entitled to a work environment free from sexual harassment.

DELAWARE COUNTY SEXUAL HARASSMENT POLICY

Introduction

Delaware County 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 Delaware County's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and 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 Delaware County. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

Policy:

1. Delaware County policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Delaware County. In the remainder of this document, the term "employees" 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 otherwise assists in any investigation of a sexual harassment complaint. Delaware County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Delaware County 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 supervisory, manager, Department Head, or Personnel Officer. 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 Delaware County 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.

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.

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.

5. Delaware County 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. Delaware County 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. Delaware County will provide all employees a complaint form for employees to report harassment and file complaints.

7. Department Heads, managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Personnel Officer.

8. 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 hiring.

What Is “Sexual Harassment”?

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 trans-gender.

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:

- > Such conduct has the purpose or effect of unreasonably 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 recipient’s 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:

4. Physical acts of a 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.
2. 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.
3. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
4. 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.
5. 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.
6. 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 unpaid 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.

Where 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

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, manager or department head 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. Delaware County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, department head or Personnel Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, department head or Personnel Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this 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, managers and department heads 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 the Personnel Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, managers and department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, managers and department heads 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 persons 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. Delaware County will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

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

- > Upon receipt of complaint, Personnel Officer 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.
- > 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 their statements;
 - * A time-line 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 Delaware County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Delaware County, 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 State 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 Delaware County 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, New York 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, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

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 district, 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 NYC 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.

Delaware County

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Personnel Officer @ One Courthouse Square, Suite#2, Delhi, NY 13753. This form can be submitted in person, electronically to pers@co.delaware.ny.us, or faxed to 607-832-6044. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: ___ Email ___ Phone ___ In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____

Work Phone: _____

Relationship to you: ___ Supervisor ___ Subordinate ___ Co-Worker ___ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

THE HATCH ACT

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

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

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

The most recent change occurred effective January 27, 2013 states that the Hatch Law impacts employees whose salaries are paid entirely with federal funds. We strongly encourage any employee desiring to run for political office to first determine how the law applies to him/her.

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

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

Hatch Act provisions do not apply to:

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

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

- 1) The governor or lieutenant governor of a state, or an individual authorized by law to act as governor;
- 2) The mayor of a city;

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

Political Do's and Don't's For State and Local Employees: An individual principally employed by a state or local executive agency in connection with a program financed in whole by federal loans or grants

- ...May be a candidate for public office in a nonpartisan election
- ...May campaign for and hold elective office in political clubs and organizations
- ...May actively campaign for candidates for public office in partisan and nonpartisan elections
- ...May contribute money to political organizations or attend political fundraising functions
- ...May participate in any activity not specifically prohibited by law or regulation
- ...May not be a candidate for public office in a partisan election
- ...May not use official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office
- ...May not directly or indirectly coerce contributions from subordinates in support of a political party or candidate

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

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

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

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

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

This is intended to be simply a summary of the laws, regulations and policies governing the political activities of certain employees of state and local governments. Its intent is to provide a basic overview of permissible and prohibited political activities. Employees should not rely on the opinions of friends

or co-workers when they have questions with regard to a specific political activity. Ignorance of the law does not excuse an employee's violation of the Hatch Act. Reliance on incorrect or unofficial information also does not excuse a violation. Employees with additional questions may review a handbook on this subject which is available in each department and the Personnel Office. Or they may obtain an advisory opinion by telephoning the Office of the Special Counsel or by submitting their questions, in writing, to the following address: Office of the Special Counsel, U.S. Merit Systems Protection Board, 1120 Vermont Ave., N.W. Washington, D.C. 20419 (telephone 202-653-7188).

COUNTY VEHICLE POLICY

TITLE: POLICIES AND PROCEDURES REGARDING COUNTY VEHICLES

WHEREAS, there are no uniform policies or procedures regarding the assignment and use of County Vehicles;

NOW, THEREFORE, BE IT RESOLVED that the following policies and procedures shall apply to all County owned vehicles:

ASSIGNMENT

1. Assignment of vehicles for conducting County business shall be governed by the availability of vehicles and shall be at the request of the appropriate department head to the Insurance Committee whose decision will be final.
2. Unless the use of a County vehicle to drive to and from work cannot be discontinued because it would violate the principle of past practice and could result in an unfair labor charge , no County employee or officer shall drive a County vehicle to and from work on a regular basis, unless specifically authorized by the Board of Supervisors.
3. An employee on call may be allowed to use a County vehicle to commute subject to the following:
 - a)If required to work, the employee would perform field work.
 - b)The employee's department head has approved the use of a County vehicle while on call.
 - c)An employee on call will be permitted to drive a County vehicle to the designated parking area the evening they are on call or the last scheduled work day before a holiday or a weekend they are scheduled to be on call.
 - d)Unless otherwise authorized by this resolution, department heads who report directly to the Board of Supervisors are not permitted to use County vehicles to commute while on call.
4. Where an employee is scheduled to travel out of County the following day using a County vehicle, and where less travel time and mileage would occur by the employee leaving directly from home rather than leaving from their regular place of work, the employee will be allowed to take a County vehicle home the night before the scheduled travel as approved through the County travel authorization request procedure.

5. The Director of Emergency Services and the EMS/Emergency Management Coordinator are subject to callout in emergency situations, these individuals are authorized to continue to drive a County emergency vehicle to commute to work, for as long as they remain subject to twenty-four hour callout.
6. In emergency or inclement weather conditions, employees in the Public Works Department who are required to check the condition of County roads other than regular business hours may, at the discretion of the Commissioner of Public Works, take a County vehicle home at night.
7. The Sheriff, Undersheriff, and other law enforcement officers excluding correctional staff, are subject to callout twenty-four hours per day, said individuals shall be permitted to drive a Sheriff's vehicle home at night.

VEHICLE RECORDS

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

- a) A listing of department employees authorized to drive County vehicles assigned to them.
- b) Written procedures for the assignment of vehicles.
- c) Written procedures regarding the service and repair of vehicles.
- d) Vehicles logs which identify each vehicle by year, make and number and which include the following information:
 1. The name of driver
 2. Date driven
 3. Purpose of trip
 4. Destination(s) – start and ending point, including all stops
 5. Start and end trip odometer reading

Vehicle logs will be kept on file for the lifetime of the vehicle along with the vehicle maintenance log.

- e) A file of complaints received concerning misuse of County vehicles assigned to their department, including action taken to investigate the complaint, result of the investigation and action taken relative to the employee driving the vehicle if the complaint is substantiated will be maintained by the department.

Reports of complaints and action taken must be filed with the Clerk of the Board no later than one week after the complaint is received.

MISCELLANEOUS

5. Except as prohibited by the nature of the work, all County vehicles will be clearly marked Delaware County, numbered, and will show the name of the department.

6. Employing departments shall obtain a New York State affidavit and transcript of the driver's record from the Motor Vehicle Bureau for those potential employees who will operate a motor vehicle.
7. Departments may adopt such additional policies and procedures regarding the assignment and use of County vehicles as they deem necessary, provided such policies are not less than the policies and procedures contained herein.
8. All current and new employees who operate County vehicles shall be given a copy of these policies and procedures and any additional policies and procedures established by the various departments by the department head or appointing authority.

OPERATING REGULATIONS

1. Only authorized County employees, or drivers approved by the Insurance Committee who have a valid driver's license shall operate County vehicles.
2. Only County employees, clients or other authorized individuals who are approved by this Board, shall be transported in County vehicles. Board approval shall consist of a written request by a Department Head submitted on the appropriate vehicle use form followed by approval of the concerned oversight committee, Insurance Committee and Board Chairman.
3. County vehicles shall be used for official County business only, except for stops on the direct route to and from work provided such stops are of a short duration and do not require any additional travel and do not interfere with an employee's work.
4. Under no circumstances shall County vehicles be driven when the operator has been drinking alcoholic beverages or when the driver is under the influence of any drug or medication that would impair his or her ability to drive.
5. Vehicles shall at all times be operated in a safe manner and in accordance with all appropriate motor vehicle laws and regulations.
6. All accidents, damage to property or personal injuries involving a County vehicle shall be reported to the employee's department head or his or her designee immediately. In addition to a verbal report, the driver shall file with his or her department head a New York State Department of Motor Vehicle Accident Report and a copy thereof shall be forwarded to the Clerk of the Board. The Clerk of the Board shall further be notified of all accidents involving County vehicles by the respective department no later than the next business day following the accident.
7. The Clerk of the Board will keep a list of all authorized drivers of County vehicles. The departments shall notify the Clerk of the Board of any changes (additions/deletions) to the list of drivers.
8. The Clerk of the Board shall inform Department Heads of any driver notifications received from the Department of Motor Vehicles. The Department Head will advise the Clerk of the Board of what action, if necessary, was taken within a week of receipt of said notification.

9. All convictions of any moving violations shall be reported in writing to the employee's department head or his or her designee and the Clerk of the Board.
10. County vehicles which are damaged as a result of accidents shall be the responsibility of each individual department to have them repaired. Where the accident is contested as to who is at fault or where another party has been determined to be at fault, the responsible department shall have its vehicle repaired in accordance with the requirements of the insurance company that will be paying for the repairs. In case of repairs for damages which are attributable to the County employee operating the vehicle, each department shall be responsible for filing an estimate of damages, prior to the commencement of repairs, with the Clerk of the Board for review and approval of the Insurance Committee prior to the commencement of repairs. In the case where an initial estimate for damages exceeds \$5,000 each department shall secure at least a second estimate and file both estimates with the Clerk of the Board for review and approval of the Insurance Committee prior to the commencement of repairs.

DISCIPLINARY PROCEDURES

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

Any revisions or modifications to this policy shall be done by Board resolution.

MILEAGE/MEAL REIMBURSEMENT

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

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

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

Employees should also refer to the language contained in their collective bargaining agreements.

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

Training/Travel Time:

- 1 day training out of the county – participants are paid their standard work day (for example 7 hours) plus travel time to/from the training.
- Multi day training where staff spend the night - participants are paid their standard work day daily, plus travel time to the training on the 1st day and from training on the last day
- Multi day training where staff CHOOSE not to spend the night (commute daily) – they get paid same as above (b)
- Multi day training where no hotel accommodations are provided – paid like (a) above – standard day plus travel time each day.
- If the first/last day of training are partial days (for example, training starts at 1:00 PM on Monday & ends at 12:30 on Friday) – staff have to come to the office and work until it is time to leave to go to training so no travel time/OT is paid as it is part of their work day. Same goes on the last day – they have to come back to the office and finish their day so no travel time/OT is paid (or they can be in the field and do home visits that afternoon).

WORKPLACE VIOLENCE POLICY

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

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

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

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

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

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

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

Delaware County, New York is the provider of municipal and related community services. The County strives to provide a safe work environment to all of its employees and to those that it serves.

The County is committed to providing a safe work environment for all employees. The County will respond promptly to threats, acts of violence, and acts of aggression by employees or against employees by coworkers, members of the public or others.

The County's response may also include removal of third party vendors/contractors from buildings or termination of contracts with such vendors/contractors.

The term "workplace violence" is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting.

Delaware County prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace. Complaints of workplace violence will be given serious attention. Security and safety in the workplace requires the cooperation of every employee.

This policy sets forth standards for employee conduct and guidelines for reasonable precautions. The accompanying procedures outline response to threats or violence should they occur in the workplace whether in a County facility or while performing duties in the County.

The term "workplace" is defined as any location away from 'an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment for the County.

The term “employee” is defined as a public employee working for an employer.

Prohibited Conduct

A. The County will not tolerate any act or threat of violence, harassment, intimidation, and other disruptive behavior in the workplace, on County property or while in work status for the County.

B. No person may engage in violent conduct or make threats of violence, implied or direct, on County property or in connection with County business. This includes but is not limited to:

1. The use of force with the intent to cause harm, e.g. physical attacks, or any unwanted contact such as hitting, fighting, pushing or throwing objects;
2. Acts or threats which are intended to intimidate, threaten, coerce, or cause fear of harm whether directly or indirectly; and
3. Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical harm or mental harm,

C. No person, without legal authority, may carry, possess or use any weapon on County property or in County buildings or facilities.

Department Head

The Department Head or his/her designee is responsible for the implementation of this policy. This responsibility includes immediately notifying the Clerk of the Board, ensuring appropriate investigation, follow-up, creation of records and maintenance of such records of reported incidents of workplace violence.

Risk Evaluation

Workplace violence can occur in any workplace setting. However, some settings or factors may pose a greater degree of workplace violence risk. Employment situations or factors that may pose higher risks for Delaware County employees include, but are not limited to:

- Working in public settings
- Working late night or early morning hours
- Exchanging money with the public
- Working alone or in small numbers
- Working in a setting with uncontrolled access to the workplace
- Working in a setting where previous security problems have occurred
- Having a mobile workplace assignment
- Working with a population which might expose one to potentially violent persons (such as criminal justice settings)
- Having duties that include the delivery of passengers, goods or services

Indicators of increased risk of violent behavior may include:

Direct or veiled threats of harm

Intimidation, belligerence, bullying or other inappropriate behavior directed at others

Numerous conflicts with supervisors and employees; verbal comments indicating expressions of hostility directed at coworkers, supervisors or others

Bringing an unauthorized weapon to work brandishing a weapon in the workplace, making inappropriate reference to guns or fascination with weapons

Fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators or workplace homicides

Statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial and other personal problems

Signs of abuse of drugs/alcohol on or off the job

Extreme or uncharacteristic changes in behavior or displays of emotion

Employees with on-going domestic difficulties

Employees with a temporary order of protection against any respondent

These behaviors should be immediately reported to the Department Head or Personnel Officer. Sometimes, small behavior problems, which can precede the above behaviors, are dismissed or ignored, allowing problems to fester. In the employee's mind, the situation can become more intense. Early notification/involvement may be the appropriate intervention, it is important to remember the employee must be treated with dignity, mutual respect and fairness in this process.

Some of these types of behavior are listed below:

Withdrawal from friends, coworkers, and/or one's social circle

Unexplained absence from work area or marked increase in tardiness and/or absenteeism

Noticeable deterioration of personal hygiene and appearance

Common Issues that may trigger workplace violence:

1. Employee issues
 - > Negative performance review
 - > Unwelcome change in role due to performance or reorganization issue
 - > Criticism of performance
 - > Conflict with coworker or supervisor

- > Personal stress outside the workplace
- > Increased workload or pressure
- 2. Workplace issues (any of the following may be an employee's perception of issues)
 - > No clearly defined rules of conduct
 - > Lack of training
 - > Inadequate hiring practices/screening of potential employees
 - > Insufficient supervisor
 - > Lack of discipline or inconsistent discipline in workplace
 - > Lack of or inadequate employee support systems
 - > Failure to address incidents as they occur
 - > Overly authoritarian management style

Taking this into account, there are three key elements that may help to prevent a violent situation from occurring;

1. Recognizing the early warning signs (such as a change in a person's behavior preceding an episode of violence)
2. Recognizing issues or events that may trigger violence
3. Early intervention to prevent a violent incident from occurring

Please note: It is important to be careful when drawing assumptions or relying solely on any of the above behaviors as indicators of violence.

Response Procedures

The following procedures are recommended to be followed whenever an employee files a complaint with the Department Head alleging a violation of the *Delaware County Workplace Violence Prevention Policy* has occurred or when a violent incident occurs.

Emergency and non-emergency (threatening) situations

A "threatening situation" is a situation where one person, through intimidating words or gestures has induced fear and apprehension of physical harm in another person but there is no immediate danger of such harm being inflicted. The steps listed under the "Non-Emergency (threatening) Response Procedure" are recommended to be followed whenever a threatening situation occurs.

A situation is an "emergency" if an injury has occurred or there is an immediate threat of physical harm. Individuals should always consider their personal safety first in all emergency situations. If possible, the "Emergency Response Procedure" should be followed whenever an emergency occurs.

<p>Non-Emergency (threatening) Response Procedure</p> <p>A threatening situation is defined as a situation where:</p> <p>One person, through intimidating words or gestures, has induced fear and apprehension of physical or other harm in another person but there is no immediate danger of such harm being inflicted.</p>	<p>Emergency Response Procedure</p> <p>A situation is an emergency if:</p> <ol style="list-style-type: none"> 1) an injury has occurred OR 2) there is an immediate threat of physical harm. <p>You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure.</p>
<p>Step 1 Employee immediately notifies his or her immediate supervisor.</p>	<p>Step 1 First person on the scene quickly assesses the situation and the risk.</p>
<p>Step 2 The immediate supervisor conducts preliminary inquiry and prepares report for the County's record.</p>	<p>Step 2 First person on the scene calls 911 for security/medical assistance and ensures needs of the injured are met. Employee must also immediately notify the Department Head of the situation.</p>
<p>Step 3 If there has been serious misconduct or criminal behavior by a County employee, the employee's supervisor will contact the Department Head and take no further action unless advised to do so.</p>	<p>Step 3 The Department Head will immediately assess whether there is an emergency situation and prepare report for the County's record.</p>
<p>Step 3a If there is no immediate threat of violence and no serious misconduct or criminal behavior by a County employee, the employee's supervisor will continue investigation, resolve/mediate the matter, initiate disciplinary action, if appropriate</p>	<p>Step 4 The Department Head, in an emergency situation where there is an immediate threat of violence, will ensure that law enforcement and medical personnel have been notified.</p>
<p>Step 4 The Department Head ensures that a written summary report of the incident and all actions taken is prepared and maintained in County files that may be reviewed by the NYS Department of Labor.</p>	<p>Step 5 Proceed with Non-Emergency Response Procedures, Steps 3-5.</p>
<p>Step 5 I an emergency situation develops, follow steps for Emergency Response Procedure.</p>	

Retaliation

Retaliation action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing work place violence, or who has been involved in reporting, investigating,

or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

Information and Training for Employees

A. At the time of employees' initial assignment and annually thereafter, the County shall provide is employees with a copy of the Delaware County Workplace Violence Prevention Policy and the following information and training on the risks of violence in their workplace(s):

1. the requirements of NYS Labor Law 27-b;
2. the risk factors in their workplace(s); and
3. training sessions that outline:
the measures employees can take to protect themselves from such risks, including specific procedures the County has implemented to protect employees.

B. Employees will sign a form attesting that he/she has read, understand will abide by the Delaware County's Workplace Violence Prevention Policy.

The Delaware County *is committed to the* safety and security of our employees. Workplace violence presents a serious occupational safety hazard to all people in our workplace. People in the workplace include the agency, employees, residents and visitors to the Delaware County. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the Delaware County property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for all people in the workplace. following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to.

Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Delaware County has identified response personnel that include a member of management and an employee representative.

All County employee personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, recieved, or have been told that another person has witnessed or received.

Failure to abide by the Delaware County Workplace Violence Prevention Policy may result in disciplinary action including possible termination of employment.

DELAWARE COUNTY COMPUTER USE POLICY

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

Electronic Mail:

The electronic mail system is County property. All messages created, sent or received on the electronic mail system are and remain the property of the County. The confidentiality of any message should not be assumed. Employees should be aware that all electronic messages are backed up and may be recalled or recorded for County review.

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

Internet/Electronic Device Usage:

- A. Use of the Internet must not disrupt the operation of the County network or the network of other users, nor interfere with employee productivity.
- B. Users are strictly prohibited from accessing the Internet for any unethical purpose, or any illegal activity, including but not limited to pornography, violence or gambling, or any other behavior which may be considered unprofessional and inappropriate in the workplace by a reasonably prudent person.
- C. The Internet shall not be used for personal gain or advancement of individual views.

- D. Each employee is accountable to the County for the content of all text, audio or images that they place or send over the Internet.
- E. If any employee accidentally accesses an inappropriate website in the normal course of business, the employee should notify his or her supervisor immediately.
- F. Harassment of any kind through use of the Internet is prohibited.
- G. Registration of the County in any news group or chat room is prohibited.

General Computer/Electronic Device Use

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

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

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

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

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

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

DELAWARE COUNTY SOCIAL MEDIA POLICY

I. POLICY

The County of Delaware acknowledges that social networking exists and neither encourages it nor discourages its use. The County recognizes that traditional communication methods are now supplemented or replaced by use of various social media technologies. Using social media technologies to share news and disseminate information is an effective low-cost way to inform and interact with our community. Employees are reminded that they are responsible for the appropriateness and content of material they transmit or publish on the Internet and are advised that the County's Computer Use Policy should be read in conjunction with the Social Media Policy. Employees are also reminded that the County's Discrimination, Harassment and Workplace Violence Policy, along with any local, state and federal rules and regulations apply in full to the use of Social Media. Personal use of County Social Media Sites is strictly prohibited. Violation of this policy may result in disciplinary action.

II. SCOPE

This Policy applies to all employees, volunteers and interns of Delaware County. This Policy shall also apply to contractors with the County where the applicability is specifically referenced in the contract with the County.

III. OFFICIAL COUNTY SOCIAL MEDIA SITES AND USE

Delaware County recognizes that social media can be an effective venue for communicating with constituents, visitors and other members of the public. The County has therefore created the following policy and procedure for the provision of official social media sites for Delaware County Departments.

1. A Department Head who wishes to establish a department social media site must submit such request in writing to the Clerk of the Board. The request must include the Social Media outlet to be utilized, identify the intended audience, summarize the type of information expected to be shared/displayed, discuss the anticipated benefit from establishing the site, identify who will create content for the site and interface with the Director of Information Technology.

NOTE: The Department Head of any County Department which currently has active social media sites or accounts as of the enactment of this policy must notify the Clerk of the Board in writing. The terms of this Policy apply in full to any currently active social media site or accounts. Upon notification of existing sites or accounts, the Chairman of the Board or his/her designee will work with the Department Head to bring existing sites or accounts into compliance with the Policy. The County reserves the right to direct the modification or elimination of any currently active official County social media sites or accounts in the event it is determined that the sites or accounts do not or cannot conform to the terms of this Policy.

2. A Department Head's decision to use social media must be approved by their Committee and the Chairman of the Board and supported by underlying justification pertaining to the department's goals and mission, audience, legal risks, technical capabilities and potential benefits.

3. Department Heads who choose the use of social media networks must have a strong understanding of the risks associated with use. Department Heads may engage the Information Technologies Department for guidance in assessing the risks of utilizing a specific social media site in comparison with business opportunities expected. The County Attorney's office may also be consulted regarding anything related to social media use.

4. Departments utilizing social media must:

- a. Establish a well thought out social media strategy
 - b. Develop and maintain department specific social media policy and procedures
 - c. Have security controls in place to protect County information and technology assets.
5. County social media network accounts must be created using an official County email account.

6. Sites must contain visible elements that identify them as official Delaware County sites. Among other items, this includes displaying official County seals, department brands, contact information and a link to department sites and the main Delaware County site.

7. Departments choosing to allow discussion on social media content shall consult with the County Attorney to develop department-specific disclaimers to meet the County's legal needs. Sites that allow discussion shall inform visitors of the intended purpose of the site and provide clear statement of

the topic introduced for discussion so that the public is aware of the limited nature of the discussion and that inappropriate posts are subject to removal, including but not limited to the following types of postings regardless of format (text, video, images, links, documents, etc.):

- a. Comments not topically related
- b. Profane language or content
- c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, with regards to public assistance, national origin, military status, familial status, physical or mental disability, sexual orientation or any other status or category protected by law
- d. Sexual content or links to sexual content
- e. Solicitations of commerce
- f. Conduct of encouragement of illegal activity
- g. Information that may tend to compromise the safety of the public or security of the public or public systems
- h. Content that violates the legal ownership interests of any other party
- i. Comments or content related to County personnel
- j. Politically biased
- k. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of Delaware County
- l. Pages shall clearly indicate that any content posted or submitted for postings is subject to public disclosure
- m. The municipality retains the right to delete comments that are not in accordance with the entities social media purpose

8. Records Management – Department use of social media shall be documented and maintained in an easily accessible format that tracks information and preserves items that may be considered public record subject to disclosure under the New York State Freedom of Information Law (NYSFOIL).

- a. Departments are responsible for the creation, administration and deactivation of social media accounts.
- b. Account password information shall only be shared with authorized employees who have been designated by the Department Head to fulfill the role of site account administrator.
- c. Accounts shall promptly be reset when an employee is removed as an account administrator.
- d. A copy of all accounts and passwords will be stored with the Director of Information Technology and updated whenever a change is made.

9. Site Monitoring – Department social media pages shall be monitored regularly and prompt corrective action shall be taken when an issue arises that places, or has the potential to place, the County at risk.

- a. Department social media site administrators shall review site activity and content daily for exploitation or misuse.
- b. Departments that allow the public to post comments, links or material directly onto their social media site shall have an established process, including the technical capability outside of the County's network, to verify that the posting is acceptable. Posts deemed technically harmful or inappropriate shall be handled in accordance with this procedure.
- c. If a comment posted to a County managed Social Media site by a member of the public includes threatening language, or may signal an imminent danger to any department or individual, record

the comment and immediately notify the Department Head. The comment(s) must be removed as soon as possible (also see section 7. Of this policy). The site administrator or Department Head may also wish to consult with the County Attorney's Office and/or Clerk of the Board of Supervisors if there are liability concerns.

10. Departmental use of Social Media must comply with laws and procedures including, but not limited to, copyright, records retention, privacy laws, the NYS Mandated Compliance Program, NYS Freedom of Information Law (FOIL), HIPAA (Healthcare Insurance Portability and Accountability Act), and HITECH (Health Information Technology for Economic and Clinical Health). Departments shall not disclose confidential or proprietary information on Social Media sites. Sharing of posted content owned by others shall be performed in accordance with copyright, fair use, and established laws pertaining to materials owned by others. This includes, but is not limited to quotes, images, documents, and links.

11. Employee Personal Use of Social Media – Delaware County respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the community, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the county. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct. Further, county employees remain subject to applicable state and federal laws, even if communicating with others concerning personal and private matters. If an employee's use of social media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action. County employees are prohibited from accessing social networking websites for personal use during working hours.

12. Personal Posting to Social Media Sites – employees who use social media for personal purposes must be aware that the content they post may be viewed by anyone, including community members. Employees shall observe the following principles when communicating through social media:

- a. Employees shall not post confidential information about other employees or the Delaware County government
- b. Employees shall be professional in all Internet postings related to or referencing the Delaware County government and other employees
- c. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar or sexually offensive language, pictures or graphics or other communication that could reasonably be anticipated to cause a substantial disruption to Delaware County government.
- d. Employees shall not use the County's official seal or other copyrighted material of the County without express, written consent from the County Board of Supervisors.
- e. Employees shall not use Internet postings to libel or defame other County employees or County Departments.
- f. Employees shall not post inappropriate content that negatively impacts their ability to perform their jobs.
- g. Employees shall not use Internet postings to engage in any other conduct that violates County policy or state and federal laws.

13. Definition – Social Media: various forms of information-sharing technology used to create internet-based content that produces communication and/or conversations. Forms of social media include, but are not limited to, social networking, blogs, video sharing, picture-sharing, wall-postings, e-mail, instant messaging, podcasts, wikis, message boards, online forums, RSS and other syndicated web feeds. Examples of social media outlets include, but are not limited to, Google and Yahoo Groups (reference, social networking), Wikipedia (reference), Facebook (social networking), YouTube (social

networking and video sharing), Twitter (social networking and micro blogging), Instagram (photos and videos), Snapchat (time-limited posts), Pinterest (themed sharing), LinkedIn business networking) and other news media comment sharing/blogging.
