

Village of Round Lake  
New York

Title:  <b>PERSONNEL POLICY</b>	Policy No.
Author: Mayor	Adopted: April 3, 2017
Policy Owner: Mayor	Revisions: February 2021 December 21, 2022
Distribution:  Village Board, Village Attorney, Office Administration, Staff, Policy File	

**Policy Statement:** The purpose of this policy is to establish procedure(s) for the hiring of Village personnel and human resource activity during their employment.

**EQUAL OPPORTUNITY EMPLOYER**

The Village of Round Lake is an Equal Opportunity Employer. We do not discriminate on the basis of race, color, national origin, religion, sex, marital status, age, disability, veteran status or sexual orientation. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, termination, layoff, transfer, leave of absence and compensation. Discrimination based on any of the above groups is strictly prohibited. We encourage you to bring any perceived violation of this policy to the attention of your department head immediately. If you are unable to discuss this matter with your department head, take your complaint directly to the Mayor. All complaints of discrimination will be investigated discreetly and promptly.

**ACCOMMODATIONS FOR THE DISABLED**

In accordance with Americans with Disabilities Act and the New York State Human Rights Law, the Village of Round Lake does not discriminate against qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. It is our policy to hire, promote, and maintain terms, conditions and privileges of employment in a manner which does not discriminate on the basis of a qualified individual's disability. All applicants and employees have the right to request reasonable accommodation for their disability. Such

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requests should be made by the applicant or employee directly to the Mayor or his/her designee.

**AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

The Immigration Reform and Control Act of 1986 requires that all employees hired on or after November 6, 1986, be either US citizens or aliens lawfully authorized to work in the United States. All employees hired on or after November 6, 1986 will be required to complete Section I of the Employment Eligibility Verification Form, designated as Form 1-9. The Village will verify identity and employment eligibility by viewing required documents and completing Section 2 of the 1-9 form. This form must be completed after an applicant accepts a job offer or starts to work — but no later than three (3) business days after beginning employment. An employee's completed 1-9 Immigration Form must be contained in his/her personnel file. No employee or candidate for employment will be discriminated against on the basis of citizenship, authorized alien status, place of origin, physical/cultural/linguistic characteristics, accent or manner of speaking.

**HIRING POLICIES**

All prospective applicants for Village positions must complete a job application form or and submit a copy of their resume. Application forms of hired applicants shall be forwarded to the Village Clerk to be forwarded to the Saratoga County Personnel Department. A copy of the application and resume will also be placed in the employee's personnel file. The Mayor shall be responsible for background and reference checks for all full time positions and for all part time positions that handle cash, have any contact with children, or operate machinery. All pertinent job references and educational requirements shall be verified as well as any other requirements for the position.

**Relational Restrictions:**

The spouses, parents, brothers, sisters and children of Elected Officials or Department Heads are ineligible to be hired for or to serve in a part time or full time permanent position in the Village of Round Lake after the effective date of the adoption of this Employee Personnel Manual. Employees hired or appointed before the effective date of this policy will not be affected in their present positions. The Village Board reserves the right to waive these relational restrictions, if the Village Board determines it is in the best interest of the Village.

**ALCOHOL AND DRUG FREE WORKPLACE**

It is the intent of the Village of Round Lake to provide to all employees an alcohol and drug free workplace. Our policy regarding the work related effects of alcohol and drug use and the unlawful possession of controlled substances on Village premises is as follows:

1. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and

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obligation to provide an alcohol and drug free, healthful, safe, and secure work environment. Employees reporting to work under the influence of alcohol or alleged drug may be subject to disciplinary action up to and including discharge.

2. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or the use of alcohol on Village premises or while conducting Village business off Village premises is absolutely prohibited. Violations of this policy may result in disciplinary action, up to and including termination and may have legal consequences.
3. The Village recognizes alcohol and drug dependency as an illness and a major health problem. The Village also recognizes alcohol and drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use our health insurance plans, as appropriate.
4. Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction of an alcohol or drug-related crime. A report of a conviction must be made within one (1) working day after the conviction (this requirement is mandated by the Drug-Free Workplace Act of 1988). Employees who drive in the course of their employment must also, as a strict condition of employment, immediately report any change to his or her driver's license status, including, but not limited to change of a license to a suspended, temporary, probationary or provisional license. Should an employee be convicted of a criminal drug or alcohol related offense, the Village may impose disciplinary action, up to and including termination.

### **SUBSTANCE TESTING POLICY**

The Mayor, Village Highway Superintendent, or other Department Head may require any employee within his or her Department to take a drug and/or alcohol test upon reasonable suspicion. Reasonable suspicion shall consist of his or her belief that the employee's behavior is impaired or that the employee smells of alcohol or an illegal substance, such as marijuana. Should the employee refuse, the Mayor, Superintendent or Department Head may send the employee home for one (1) full workday without pay. The second offense the employee may be sent home for three (3) workdays; the third offense may be grounds for dismissal as determined by the Village Board. When an employee agrees to go home for suspicion of drug or alcohol use without testing, this shall be deemed an admission of drug or alcohol use in violation of this policy.

### **FAMILY AND MEDICAL LEAVE ACT POLICY**

The Village of Round Lake has adopted a Family and Medical Leave Policy in accordance with the updated Family and Medical Leave Act of 2018 (FMLA). FMLA requires that all public agencies, including state, local and federal employers and local education

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agencies adopt a policy that entitles an eligible employee, as defined by FMLA, to take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period for specified family and medical reasons. Should an employee of the Village utilize FMLA time off, the cost of insurance coverage will be incurred by the employee should time used exceed 1 week.

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**SMOKING POLICY**

The following smoking policy applies to all Village employees. Smoking is prohibited in all Village buildings and within 100 feet of all Village buildings. Any questions concerning the implementation of this smoking policy should be directed to the Village Clerk.

**SAFETY**

All job related accidents and injuries must be reported to the Department Head and Village Office immediately. The Village Office is responsible for completing and submitting to Saratoga County a "Saratoga County Self-Insurance Plan Report of Accident Investigation by Supervisor or Department Head" form. Non-employee accidents and injuries must be reported on a Village of Round Lake "Accident Reporting Form — Non Employee" and submitted to the Village Office for submission to the Village's insurance agent. Copies of both forms are available in the Village Office.

**CARE OF EQUIPMENT AND SUPPLIES**

Village employees have an obligation to the taxpayer to use equipment and supplies wisely and to properly clean and maintain these items. Equipment and supplies provided by the Village remain the property of the Village. Accordingly, the Village reserves the right to inspect Village property at any time with or without notice.

**VEHICLE, TOOL AND EQUIPMENT USE POLICY**

The Village recognizes that there are occasions for employees to drive a Village vehicle in order to conduct Village business. Employees in certain job titles are also required to use tools and/or operate equipment in the normal performance of their job duties. The following set of guidelines has been established to insure both the safety of employees as well as the efficient use of taxpayers' money.

1. Personal use of Village vehicles, tools and equipment is strictly prohibited, except in cases of emergency. If the lunch period or other break period occurs while employees are not at the Village garage or otherwise when they are not in the immediate vicinity of their motor vehicles, it is not a violation of this provision for such employees to use a Village motor vehicle for transportation to a nearby location (e.g., restaurant or highway rest stop) at which food, beverages and/or sanitary facilities are located.
2. Employees caught operating and/or using a Village vehicle, piece of equipment, or tools in a reckless or negligent manner are subject to disciplinary action up to and including dismissal.

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3. Alcoholic beverages, drug-related paraphernalia are prohibited in Village vehicles, equipment or on any Village premises.
4. Work on private vehicles using the Highway Garage, equipment, or tools is strictly prohibited.

**FUEL MONITORING**

Employees are prohibited from dispensing fuel for their personal or any unauthorized use. The Superintendent of Public Works is responsible for monitoring the Village's fuel use.

**ELECTRONIC COMMUNICATIONS POLICY**

The Village's electronic communication systems, including computers, internet access, email, voice mail, fax machines, telephones, and other devices for communication, are to be used for business purposes only.

The Village may access its electronic communications systems and obtain the communications within the systems, with or without notice to users of the system, in the ordinary course of business when the Village deems it appropriate to do so. The reasons for which the Village may obtain such access include but are not limited to: maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws, complying with legal and regulatory requests for information and ensuring that the Village's operations continue appropriately during an employee's absence.

No one may access, or attempt to obtain access, to another individual's electronic communications for other than official purposes without appropriate authorization. All employees should utilize passwords as programs permit to protect the integrity of the communications systems. Employees must provide the Village with necessary passwords upon request.

Further, unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

Violators of the Electronic Communications Policy may be disciplined in accordance with the Village's disciplinary procedures.

**DRESS CODE**

The appearance and dress of employees are important in creating a favorable image supportive of the public confidence.

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In general, employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public in accordance with the departmental rules and job requirements. Casual business attire is acceptable.

**YOUR PERSONNEL RECORD**

The Village maintains a personnel file for each employee, which is confidential except as determined by the Village Board of Trustees. Employees are responsible for keeping records up to date. Any changes in address, name, phone number, family status or other information should be reported immediately to the Department Head and the Village Office. Employees shall have the opportunity to review their official personnel records in the Village Office in the presence of the Village Clerk or Treasurer. Such access shall not extend to confidential pre-employment reference material.

**WORK DAY AND WORK WEEK**

PT (part-time) hourly employees have been appointed to work less than 30 hours per week, unless determined otherwise by the Village Board of Trustees.

FT (full-time) hourly employees have been appointed to work 30 to 40 hours per week, unless determined otherwise by the Village Board of Trustees

Hours/workdays may be adjusted by mutual agreement between the Village and employee.

Work schedules for full-time Department of Public Works (DPW) employees vary considerably due to the nature of the services being provided to the public. The normal work week for DPW employees, which begins on Monday, shall consist of five (5) eight (8) hour days for a total of 40 hours per week.

**PAY PERIOD**

Employees are paid on a weekly or monthly basis. Employees receive their paychecks as follows:

Weekly— Thursday

Monthly — Last Thursday of the Month

**RECORD OF ATTENDANCE**

Employees are responsible for maintaining their own timesheets. All leave time claimed shall be identified as to type (vacations, sick, personal, bereavement or holidays). Use of vacation time must be pre-approved by the department head or Mayor in advance. Employees must

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sign their attendance sheets and forward them to their department head for approval. The Mayor and/or Department Heads must certify the correctness of all time recorded on the attendance sheet and forward it to the Village Treasurer. All hours worked in a week must be accounted for in that week. There will be no accumulating hours for later timesheet submission.

**EMPLOYEE GRIEVANCE PROCEDURE**

The following procedure is designated to settle differences between Village employees, Department Heads, and/or Board Members in a fair, efficient and documentable manner. A “grievance” for purposes of this Policy is an act of a Village Officer or Employee that violates a Village Policy or the terms of employment.

Procedures:

Step 1 — Within ten days of the event giving rise to a grievance the officer or employee shall deliver to the Village Clerk a written notice stating that such officer or employee has a grievance, describing the event or condition being grieved and, where known to the officer or employee, the Village policy or the term of employment being violated. The Village Clerk shall retain the grievance notice and provide a copy to the employee’s immediate supervisor, who shall discuss the grievance with the employee. The immediate supervisor shall attempt to resolve the grievance and shall present his or her decision in writing to the employee within 10 working days. If such grievance is not satisfactorily resolved at Step 1, the aggrieved employee may proceed to Step 2.

Step 2 — Within five (5) working days after a determination has been made at Step 1, the aggrieved officer or employee may make a written request to the Village Board of Trustees, by delivery of the written request to the Village Clerk, for review and determination. The Village Board of Trustees shall conduct whatever review or investigation it deems necessary and render its determination in writing at its next scheduled regular meeting following the conclusion of its review and/or investigation. In the alternative, a hearing examiner may be retained by the Board of Trustees to hold a hearing and determine the grievance.

Nothing in this procedure shall prevent an officer or employee from informally discussing a matter which may become a grievance with his or her immediate supervisor - or any other Village office or employee - prior to or instead of making a written grievance.

Notices of Grievance and related documents shall be held confidentially by the Village to the extent permitted by law.

**DISCIPLINARY PROCEDURE**

Non-probationary Village employees (i.e., those continuously employed by the Village for at least six months) accused of incompetency or misconduct have the right to a hearing prior to

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disciplinary action or dismissal pursuant to New York State Civil Service Law Sections 75 and 76, as the same may be from time to time amended, and may be suspended or otherwise disciplined as provided for therein.

Probationary Village Employees may be removed or otherwise disciplined at the discretion of the Board of Trustees after a written notice and the opportunity to respond in writing to the Board of Trustees.

### **EMPLOYEE EVALUATIONS**

All appointed full and part time employees are subject to annual employee evaluation by their immediate supervisor. The Village Board encourages, but does not require, more frequent informal evaluations between supervisors and staff. Those employees without an immediate supervisor shall be evaluated by the Mayor. The Department Head is to meet with the employee to discuss the evaluation. A copy of the evaluation signed by the employee and the Department Head will be placed in the employee's personnel file. Completed evaluations should be forwarded to the Village Mayor in a sealed envelope.

Written evaluations for probationary employees are required to be performed at 90- day intervals until the employee becomes permanent.

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### **WORKPLACE VIOLENCE POLICY**

The Village is committed to providing a safe environment for working and conducting business. The Village will not tolerate acts of violence committed by or against Village employees, or members of the public, while on Village property or while performing Village business at other locations.

### **EMPLOYEE BENEFITS**

The following is a general explanation of the Village's Employee Benefit Program. Unless otherwise noted or as determined by the Village Board of Trustees, only those employees who are appointed to work a minimum of thirty (30) hours per week on a full-time basis are eligible for benefits. If an employee who is employed on a full-time basis, goes on part-time (less than 30 hours/week) and then is re-appointed on a full-time basis within a one-year period, seniority continues for purposes of accruing all benefits. If the employee is reappointed after a one-year period, that employee is treated as if he/she were a new hire for purposes of accruing benefits. The Village Board reserves the right to adjust the hourly requirements for full-time designation.

### **NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM**

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The Village of Round Lake offers the New York State Employees' Retirement System (ERS) to all eligible Village employees. This system provides employees with a regular income upon retirement from service. Membership in the ERS is optional. To exercise this option, employees must complete an ERS application form, which can be obtained from the Village Office.

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**OVERTIME AND HOLIDAY PAY**

It is the Village of Round Lake's policy to request and/or authorize overtime only when absolutely necessary. Full-time employees who are required by their Department Head to work in excess of 40 hours in a work week are entitled to receive overtime pay. Every work week shall begin on Thursday and end on the following Wednesday.

Overtime pay is calculated as follows: For every hour worked in excess of forty hours/week, the employee shall receive time and one half. Any part-time employee called into work outside normal working hours (7am-3pm) shall be paid time-and-one-half, if they have worked over 40 hours in the same pay period)

A full-time employee called into work on a paid holiday shall receive, in addition to holiday pay, overtime pay as applicable, if the employee has or will work 40 hours that week. Any part-time employee called into work on a paid holiday shall be paid time-and-one-half.

**VACATION**

Except as otherwise provided by agreement or in a Board Resolution, all full-time Village employees are entitled to five (5) working days of vacation per year with pay at their regular rate, which may only be exercised after 60 days employment, subject to the employee's supervisor's approval.

Full-time employees who have been in continuous service of the Village for two (2) to ten (10) years shall be entitled to ten (10) working days of vacation with pay at their regular rate. This shall be accrued on the anniversary date of their employment.

Full-time employees who have been in continuous service of the Village for eleven (11) to fifteen (15) years shall be entitled to fifteen (15) working days of vacation at their regular rate. This shall be accrued on the anniversary date of their employment.

Full-time employees who have been in the continuous service of the Village for sixteen (16) to twenty (20) years shall be entitled to fifteen (15) working days plus one (1) additional day of vacation for each continuous year of service of over fifteen (15) years, to a maximum of twenty (20) working days of vacation at their regular rate. This shall be accrued on the anniversary date of their employment.

In the event that the vacation allowance for a given year is not entirely used within that year, it may be reserved for use in the following year. No more than ten (10) vacation days may be carried over each year above the annual allotment. Requests for permission carry over days must be made to the Mayor.

An employee leaving the Village employ, other than an employee who has been discharged for misconduct, who has vacation time to his credit shall receive pay for such vacation time not taken.

Unpaid time off may be granted with approval of the Board.

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### **HOLIDAYS**

The following are considered legal holidays for the Village of Round Lake full-time employees and are not considered working days. All Village offices will be closed on these (observed) days:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

Part-time employees are entitled to the following holidays when regularly scheduled workdays fall on the following and shall be paid for the number of hours he/she regularly works:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

### **SICK LEAVE**

Except as otherwise provided by agreement or in a Board Resolution, Village employees shall have the following sick-leave benefits:

Absence from duty by an employee of the Village for reasons of sickness or disability, or by reason of illness, disability or death of a family member shall be allowed as provided in this section and not otherwise. Persons to be considered as members of an employee's family shall be limited to father/mother, husband/wife, brother/sister, son/daughter and grandparents or grandchildren. Absence from duty for such reason, if duly granted by the department head or Mayor, shall be considered as "sick leave". The following regulations shall govern such absence from duty:

An employee of the Village shall be entitled to sick leave with pay of one (1) working day a month or twelve (12) working days a year. Such sick leave with pay may be accumulated at the rate of one (1) working day a month until a total of one hundred fifty (150) working days is reached and may be kept to his credit for future sick leave with pay.

An employee using more than three (3) sick days in a row must provide a physician's letter or note excusing such employee from work. Any employee returning to work after injury or disability must have a physician's note stating that he or she is physically able to perform his or her job.

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Family Sick Leave: A full-time employee may use accumulated sick leave on account of illness or disability of a member of his family (as described above) for a total of six (6) days per year with pay.

Bereavement: A full-time employee is entitled to three (3) paid bereavement days for the death of family members as defined in the above paragraph. This is in addition to employee's sick time. Any additional time taken will be without pay, unless additional time has been granted by the Department Head.

Personal Time: An employee may be granted an absence with pay to attend to personal business that cannot normally be taken care of after working hours. This personal business leave shall be limited to six (6) working days per year and shall be deducted from sick leave.

In the event of the resignation, retirement or discharge of an employee, accumulated and unused sick leave shall be cancelled and not paid

### **JURY DUTY**

Jury duty is considered a mandatory service to the community, state and nation and is of such an infrequent nature that employees are not to be penalized.

Length of jury service shall be determined by the applicable court. Town employees shall be compensated for lost wages not to exceed one week's pay for a normal forty-hour work week. Compensation paid shall equal the employee's base salary for the period in question.

### **HEALTH INSURANCE**

The Village shall pay the cost for health insurance coverage for permanent full-time employees as follows:

Permanent full-time employees with hire dates prior to 1/1/04, 75% for individual or individual plus one.

Permanent full-time employees with hire dates after 1/1/04, 75% for individual plan, and 25% additional cost of coverage for second person or family member(s).

Any employee who retires having worked for the Village on a full-time basis for at least 30 years and who has attained the age of 55 years, shall be eligible to continue his health insurance coverage under the Village's policy under the same terms and conditions of a current full-time employee. The expense of this coverage shall be the responsibility of the Village. This coverage shall apply only to the individual, not for the benefit of family members.

Full-time Village employees paid on a weekly basis who decide to opt-out of the Village health insurance plan will be offered employee compensation in lieu of these benefits.

The Village reserves the right to modify these benefits in the future to require employee contributions.

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**CONTINUATION OF BENEFITS (COBRA)**

The Village of Round Lake recognizes the Consolidated Omnibus Budget Reconciliation Act (COBRA), which offers full-time employees, spouses and dependent children the ability to continue existing health insurance coverage, at their own expense as long as certain qualifying conditions have been met. Any questions regarding COBRA should be directed to the Village Office.

**ACKNOWLEDGEMENT**

I, \_\_\_\_\_, acknowledge that I have received a copy of the Village of Round Lake Employee Personnel Policy dated December 21, 2022. I understand that this policy supersedes all previous written/verbal policies. I will review the policy and keep it in a place where I will be able to refer to it when necessary. I understand that my conduct must be in accordance with the policy and procedures contained in this policy. I also understand that the policy is NOT an employment contract and that the Village of Round Lake reserves the right to alter or modify any of the benefits, procedures or policies contained within at any time with or without prior notice.

\_\_\_\_\_ Date: \_\_\_\_\_  
Employee Signature

AMENDED AND RE-ADOPTED BY THE  
ROUND LAKE VILLAGE  
BOARD OF TRUSTEES

December 21, 2022