

Village of Rye Brook
Employee Policies & Procedures

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I. EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Village of Rye Brook (the "Village"), an Equal Opportunity Employer, is committed to a work environment free of discrimination and harassment and reaffirms its compliance with applicable federal, state and local laws governing nondiscrimination in employment. It is the policy of the Village of Rye Brook to recruit, hire, train and promote to all job levels, the most qualified applicants without regard to race, religion, color, sex, sexual orientation, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, predisposing genetic characteristics, or any other basis. All such decisions are made by using objective standards based on the individual's qualifications as they relate to the particular job opportunity. All personnel decisions shall be administered without regard to race, religion, color, sex, sexual orientation, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, predisposing genetic characteristics, or any other basis.

In recognition of an employee's individual dignity, the Village of Rye Brook will not tolerate any violations to this policy. Employees found to be in violation of this prohibition in any manner will be disciplined and may be subject to other legal action.

All Rye Brook personnel shall fully support and aid in the implementation of the Equal Employment Opportunity (EEO) Policy and all employees are required to promote the Village's EEO Policy at every operational level.

A. NOTIFICATION OF POLICY VIOLATIONS ó An employee should immediately report any perceived violation of this policy to the Village Treasurer or Village Administrator. In the event the employee is unwilling or unable to discuss this matter with his/her supervisor the complaint should be reported in writing to the Village Administrator. All complaints of discrimination will be investigated thoroughly and promptly. Employment discrimination is prohibited conduct and employee cooperation is required during investigations of such complaints. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

It is the policy of the Village of Rye Brook to comply fully with the provisions of the Americans with Disabilities Act and the New York State Human Rights laws to ensure equal employment opportunity for qualified persons with disabilities.

B. REASONABLE ACCOMMODATION ó The Village will engage in an interactive process with any disabled employee or applicant to determine whether a reasonable accommodation is available to enable that employee or applicant to perform the essential functions of the job, without imposing an undue hardship on the Village and/or operations of a program, or an unacceptable risk to health or safety. The Village may require medical documentation or other information necessary to verify the

existence and extent of the disability and the need for accommodation. Physical exams will only be requested when in compliance with the law.

C. PROHIBITING HARASSMENT ó The Village intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses which might interfere with work performance. Harassment of any sort - verbal, physical, or visual - on the basis of a protected characteristic will not be tolerated. These characteristics include, but are not necessarily limited to, race, religion, color, sex, sexual orientation, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, predisposing genetic characteristics, or any other protected status defined by law. Such conduct when severe or pervasive, may also violate the law. However, the Village has no tolerance for harassment. Improper conduct may violate the Village's policy, even if it is not so severe or pervasive as to be illegal. Similarly, intimidation and bullying will not be tolerated, even if it is not based on a protected category or class.

Prohibited harassment can take many forms. It may include, but is not limited to:

1. **Verbal harassment**, such as making a joke or comment that refers to race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, any other status protected by applicable local, state or federal law, epithets, derogatory comments, vulgar or profane words and expressions, or slurs;
2. **Physical harassment**, such as unwelcome touching, assault, blocking, impairing or otherwise physically interfering with an individual's normal work or movement;
3. **Visual forms of harassment**, such as derogatory posters, cartoons, drawings, e-mail, computer screen savers, graffiti or photographs;
4. **Sexual harassment**. Examples of sexual harassment may include, but are not limited to:
 - Unwelcome or unwanted sexual advances. This includes physical contact and verbal conduct of a sexual nature which is considered unacceptable or unwelcome by another individual.
 - Requests or demands for sexual favors. This includes expressed and implied, subtle or blatant, pressure or requests for sexual favors accompanied by any implied or expressed promise of preferential treatment or negative consequences concerning an employee's employment status.
 - Verbal abuse or comments which are sexually oriented and considered unacceptable by another individual. This includes comments or compliments which extend beyond mere courtesy, jokes which are clearly

unwelcome or considered offensive, and other comments, innuendo or actions of a sexual nature which are offensive to others.

- Sexually oriented conduct which interferes with the work performance of another. This includes unwanted sexual attention which reduces personal productivity or interferes with the performance of assigned tasks.
- Creating a work environment which is intimidating, hostile or offensive because of unwelcome or unwanted sexually oriented conversation, suggestions, requests, demands, physical contact or attention.

Sexual harassment may also include harassing conduct which is targeted at an individual because of that person's gender but is not necessarily sexual in nature. Prohibited harassment includes harassment directed at the targeted individual, and harassment which takes place within the individual's hearing. Normal, courteous, respectful, pleasant and non-coercive interaction between individuals, which conforms to this policy and is acceptable to both, is not considered to be sexual harassment.

D. REPORTING HARASSMENT The Village and its employees are responsible for creating an atmosphere free of discrimination and harassment and for taking action to end such behavior if it occurs. Village officials should let employees know that they should not tolerate harassment or unwanted sexual conduct. The Village may from time to time conduct periodic harassment awareness training for all Village employees.

Any employee who believes that he or she has been harassed should immediately report the alleged harassment to the Village Treasurer and/or to the Village Administrator. All complaints will be promptly and thoroughly investigated, and the Village will take whatever action is appropriate to ensure adherence with this policy.

All employees are required to cooperate in any investigation of harassment or in any other investigation of alleged misconduct that the Village may undertake, and failure to do so may lead to disciplinary action(s). Appropriate action, up to and including suspension without pay and/or termination, will be taken against any employee engaging in prohibited conduct. Every effort will be made to keep complaints confidential, subject to the Village's obligation to conduct a thorough investigation. Employees alleging the complaint will be informed as soon as possible of the results of the investigation.

No employee will be subjected to any form of retaliation for filing a bona fide complaint or for assisting in a complaint investigation. Retaliatory conduct may lead to discipline up to and including suspension without pay and/or termination.

II. RULES OF CONDUCT

A. **ETHICS** It is essential for public officers and employees to maintain a high level of ethical conduct in order to promote public confidence in municipal government. The Village of Rye Brook Board of Trustees has established a Code of Ethics which must be followed by all Village employees. The full text of the Code of Ethics can be found in Chapter 24 of the Village Code at the Village Administrator's Office or at www.ryebrook.org.

B. **CONFIDENTIALITY** The Village of Rye Brook promotes open government and complies with all requirements regarding public access. However, all Village documents are considered confidential unless they are provided to the public during the normal course of business.

Protecting the Village's confidential information is the responsibility of every employee and we all share a common interest in making sure it is not improperly or accidentally disclosed. No present or former officer or employee of the Village may disclose confidential information that was obtained in the course of employment or use such information to further the personal or private interest of himself or herself or others.

Employees must take all reasonable precautions to prevent the unauthorized disclosure of confidential information. Confidential information may not be discussed with or exposed to anyone who is not authorized to access such information. All inquiries by outsiders, including the press, should not be handled by any individual staff member, but should be directed to the Village Administrator. Upon termination of employment, employees may not obtain or take with them any notes, records, documents or other material concerning confidential information about the Village prepared or obtained in the course of employment.

C. **NO SMOKING POLICY** In the interest of providing a safe and healthy environment for employees, residents and visitors, and in accordance with Article 13-E of the Public Health Law of the State of New York, smoking is prohibited in all Village facilities, including Village buildings and Village vehicles. Any violations of this policy should be brought to the attention of the Village Administrator. Employees found smoking within Village facilities in violation of the Village's Personnel Policies and Rules will be subject to disciplinary action.

D. **DRUG AND ALCOHOL POLICY** Illegal drugs and alcohol in the workplace are a danger to us all. They impair safety and health, lower productivity and quality of work and undermine public confidence in the work we do. Accordingly, it is Village policy that no employee shall work, report to work or be present on work premises, in Village vehicles or engaged in Village activities while under the influence of alcohol or any controlled substance. In addition, the unlawful or unauthorized use, possession or distribution of controlled substances or alcohol on Village work premises, in Village vehicles, or while engaged in Village activities is strictly prohibited. Violation of this

policy may result in disciplinary action, up to and including discharge, in accordance with applicable law.

E. EMPLOYEE RELATIONS The Village's effective operation depends in large part on the consistent and orderly behavior of its employees. Each employee is required to meet the standards of performance and conduct which have been established for his or her position. When the employee does not meet these standards, the effectiveness of the entire system suffers.

The supervisory process is designed to be continuous, constructive and cooperative. Major emphasis is placed on developing the most effective methods of assisting each employee to achieve growth consistent with the expectations and needs of a professional organization. The process focuses on continuous improvement of skills, in relation to mutually accepted goals. Employees are encouraged to demonstrate initiative and teamwork and to determine personal goals which are consistent with those of the Village and which will result in job satisfaction for employees and increased productivity and efficiency for the Village.

The policy of this Village is to be fair, reasonable and honest with personnel and to respect the rights of employees. The Village Administration will strive to achieve and maintain mutual respect and a positive working relationship with each employee.

F. RULES AND DISCIPLINE Violations of Village policies, rules and generally recognized standards of conduct have an effect on the Village and employee performance and can result in disciplinary action. Disciplinary measures appropriate to the nature of misconduct including oral and written warnings, counseling, probation, suspension or discharge will be administered except in the case of certain violations which may be subject to immediate discharge. Where a written warning or suspension is issued, the affected employee will be asked to sign a form acknowledging receipt of disciplinary action and the signed form will be placed in the employee's file.

The Village reserves the right to take disciplinary action including but not limited to suspension without pay and dismissal. Disciplinary action, appeals from disciplinary action, and all related matters will conform to the requirements of the New York Civil Service Law (Sections 75, 76 and 77) wherever applicable.

Cause of disciplinary action and possible dismissal includes but is not limited to: unsatisfactory work due to incompetence or unfitness, conduct unbecoming to a Village employee, violation of Village policies, rules and standards of conduct, and any conduct deemed to be against the best interest of the Village.

G. VIOLENCE IN THE WORKPLACE The Village considers the safety of its employees, vendors, suppliers, visitors, and the general public to be of paramount importance. The Village has zero tolerance for any employee or individual who threatens, intimidates, or engages in violence against any person or property associated with the Village. Accordingly, the Village will take immediate and appropriate action,

including the involvement of law enforcement, as well as appropriate disciplinary action, to prevent violence in the workplace.

Notification of Threatening Behavior ó An employee who is subject to, witnesses, or becomes aware of any threats or acts of violence should inform the employee's supervisor immediately. If the employee is unable or unwilling to discuss the matter with the Department Head, the complaint may be reported to the Village Administrator.

Prohibited Conduct ó Prohibited conduct includes, but is not limited, to the following acts:

- Provoking a fight or fighting in the workplace;
- Non-specific threats of violence by an employee;
- Specific threats of violence by an employee;
- Threats of violence directed against an employee by a non-employee;
- Violent confrontation by a spouse or significant other with an employee over a personal/domestic dispute;
- Threats or threatening conduct by disgruntled or ex-employees;
- Assaults by an intruder.

Firearms and Weapons ó Employees are prohibited from possessing firearms or weapons of any kind while on Village premises; in Village vehicles while conducting business for the Village; or at work sites, or any other location during working hours or while representing the Village, regardless of whether the person is licensed to carry the weapon. The only exceptions are law enforcement personnel and security personnel. If any employee has knowledge of another employee's possession of a weapon, that knowledge should be reported to a supervisor, Department Head or Village Administrator as soon as possible.

Policy Violations ó Violations of this policy will result in immediate disciplinary action, up to and including termination and/or legal action.

Injury and Illness Prevention Program for Workplace Violence - The Village of Rye Brook's Safety Program addresses the hazards known to be associated with the three major types of workplace violence. Type I workplace violence involves a violent act by an assailant with no legitimate relationship to the workplace who enters the workplace to commit a robbery or other criminal act. Type II involves a violent act by a recipient of a service provided by our establishment, such as a client, patient, customer, passenger or a criminal suspect or prisoner. Type III involves a violent act by a current/former employee, department head or supervisory personnel, or other person who has some employment-related involvement with our establishment, such as an employee's spouse or lover, an employee's relative or friend, or another person who has a dispute with one of our employees.

The Program Administrator for workplace security is the Village Administrator, and the authority and responsibility for implementing the provisions of this program for the Village of Rye Brook. All Department Heads and supervisors are responsible for

implementing and maintaining this program in their work areas and for answering employee questions about the program.

III. PUBLIC RELATIONS, COMPUTER USE, & CELLULAR PHONES

Every Village employee is involved in public relations since the Village may be judged by the manner in which contacts are made with the public. Village business should be conducted in such a manner as to leave a lasting good impression. Employees must make every effort to give each person the best possible attention and courtesy in a professional manner.

In an employee's contacts with the public, it is important to be careful in what he/she says since any impulsive statement, particularly if it happens to be inaccurate, could cause embarrassment to him/her or the Village. Inquiries by the media should not be addressed by any individual staff, but directed to the Village Administrator.

A. COMPUTER SYSTEMS AND INTERNET/E-MAIL SERVICE The purpose of this policy is to provide guidance for the use of Village-owned computer systems and Internet/E-mail service.

This policy serves as a baseline to all other computer communications policies as defined in the Scope of this policy. The purpose is to provide a minimum level of guidance, expectations, and restrictions that must be met by staff or related policy. Departments can create their own Internet/E-mail policy relative to their own operations providing additional guidance and/or restrictions, but not less restrictive coverage.

Computer Systems

Property ó All computer systems, hardware, software, and all files (data and other information stored, recorded, received or generated on Village computer Systems) are the property of the Village of Rye Brook. This includes, but is not limited to the documents and e-mails created, stored, transmitted or received or such systems and equipment, the messages created, transmitted, and stored on such systems and equipment. Accordingly, employees have no right or expectation of privacy with respect to their use of Village computer, internet and email systems, hardware, software and files, nor in any messages, emails or other information created, transmitted, received or stored on such systems. The Village expressly reserves the right, as the owner and provider of these systems, to access, monitor, review, intercept, delete and copy any information, messages, files, email or other data stored, transmitted, or created with such systems.

Computer System Modifications - An employee is not permitted to make any installations, changes or modifications to Village computers unless they are performed by a person or company designated by the Village.

Usage ó No unauthorized or unlicensed hardware or software may be used or installed on any Village-owned computer. An employee may not transfer, copy or otherwise remove

computer files or software from Village premises without prior written authorization from the Department Head. Software on Village Computers is licensed solely for Village use and may not be downloaded or copied to any other computer or for personal use.

Support - The Department Head should be contacted if an employee needs hardware, software, or network support.

Internet / Electronic Mail Requirements

Home Page – All employees shall designate the Village's website (www.ryebrook.org) as the computer's Home Page.

Eligibility – Internet/E-mail service may be provided to employees who can demonstrate a work-related reason to have access. Approval must be given by the employee's Department Head or supervisor.

Personal Use – The Internet and e-mail system are reserved for Village business. However, an employee may use the Internet or e-mail for non-business use on a limited basis during authorized meal and break periods (if applicable), outside normal business hours, and provided the computer is not in the public's view. Employees shall not access their Facebook pages, or any social media or non-work related Internet pages on the village's system at unauthorized times. Employees are expressly notified and cautioned that, although they may use the Village's internet and email systems for personal use on a limited basis, they have no expectation or right of privacy in their use of the Village's systems, and the Village expressly reserves the right to access, monitor, intercept, review, delete and copy any information, web browsing history, messages, files, email or other data stored, transmitted, received or created with the Village's systems, as stated above.

Inappropriate Use - The use of the internet and the electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, disability or any other characteristic protected by law. In addition, the electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Accessing inappropriate websites and/or utilizing the electronic mail system inappropriately will be deemed a major work rule infraction and employees accessing such sites, except by accident or for work-related purposes, will be subject to disciplinary procedures. If an employee accesses an inappropriate website inadvertently, it must be reported to his/her supervisor immediately, so that it will be recorded as inadvertent.

Etiquette for Users - The following matters of etiquette are set forth for employees so that they will be aware of what other employees are expecting from the use of electronic communications. Training in the use of electronic communications is available and

encouraged. Employees should contact the Information Technology staff for information on available training.

- Response Expectations.
Users with e-mail accounts are expected to check e-mails at least three (3) times per day (morning, mid-day, and afternoon). Responses to e-mails should generally be made within the same time period as you should respond to other forms of communication. As a goal, all e-mail messages should be responded to within two (2) business days. If an extended delay in response is anticipated, senders should be notified of when they can expect a complete response. The "Out-of-Office" message available in Microsoft Outlook should be utilized whenever an employee will be out of the office for more than two (2) days.
- Appointments / Calendars.
All Department Heads should utilize the Microsoft Outlook electronic calendar function, and provide at least read-only access to other appropriate personnel in their department, as determined by the Department Head. Appointments should be confirmed or rejected in a timely manner. Electronic calendars should be kept up to date on a daily basis. Although not required, it is encouraged that employees enable others in the organization to view calendars for ease in scheduling.

Password Policy/Proxy - Each user will be issued a unique login and password which shall be changed at regular intervals as determined by the village. It is the user's responsibility to keep his/her password confidential, and to enable the password function when away from the computer. Use proxy to share access; do not share your password. Displaying the password is prohibited. If password confidentiality is breached, it is the user's responsibility to advise the Communications Services Coordinator as soon as possible so that the password can be changed. Proxy responders should identify themselves as such in the body of the message.

Retention - All e-mail (both internal and external from the Internet), and other items such as calendars, tasks, and notes, may automatically be purged after a limited period of time or as required by law. Information can be saved by printing, storage in another electronic platform, or by saving to disk.

Violations - All violations of this policy will be reviewed on a case by case basis by the Village and can result in disciplinary action up to and including termination. In addition, violations of this policy or misuse of the e-mail system that are of a criminal nature may be referred for criminal prosecution.

B. CELLULAR PHONE AND WIRELESS COMMUNICATION POLICY AND PROCEDURES

The purpose of this policy is to provide guidance for the use of Village-owned cellular phones, tablets and wireless communication devices.

Policy - It is the policy of the Village of Rye Brook to provide cellular telephones, tablets and wireless personal communications devices to designated employees in order to improve productivity, enhance customer service to our citizens, and/or enhance public safety services.

It is also the policy of the Village to maintain the ability to access and disclose any and all messages communicated through electronic means when Village-owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no automatic right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message.

Decisions regarding the use of Village cellular telephones and wireless personal communications devices which are not explicitly stated herein will be left to the discretion of the appropriate Department Head, as authorized by the Administrator and consistent with this Policy and Procedure. Department Heads are authorized to administer, provide guidance on, and assure compliance with the features of this policy.

Procedure - This Policy and Procedure applies to all Village employees and departments. Departments which use a pool system for cellular telephones, or which have cellular telephones assigned to vehicles or positions instead of individuals, may develop departmental policies and procedures and/or regulations which provide greater direction to their employees, as long as that direction is consistent with this policy.

This policy includes Village-owned cellular telephones, tablets and other wireless personal communications devices, which are not directly connected to a telephone line. It does not apply to direct wired land line telephones.

Authorized Usage of Village-owned Cellular Telephones - Village-owned cellular telephones and tablets are intended for and expected to be used for Village business. Personal usage related to work assignments (e.g., personal calls which need to be made when away from an office with land line telephones, etc.) and other occasional personal usage is permitted (e.g. a limited number of free applications with prior written approval of the Administrator), as long as the personal use is reasonable and prudent.

Employees should not use cellular telephones to discuss confidential or sensitive information, as cellular telephone conversations are not secured.

Eligibility Criteria - Employees eligible for assignment of Village-owned cellular telephones, tablets and other wireless personal communications devices are those designated by the Department Head with permission of the Administrator, including (but not limited to):

- Employees who are frequently in a vehicle, if the individual must conduct Village business by telephone while in the field, and it can be shown that cost savings and customer service efficiency will be realized through use of such devices;

- Employees who have a critical need to maintain accessibility with other department managers, Village management staff and public officials, in order to insure uninterrupted customer services and/or the integrity of the organization;
- Public safety positions, as determined by the Fire Chief, Chief of Police, and Administrator as necessary to provide immediate and direct telephone communications with citizens, outside agencies cooperating in operations, or other resource entities outside of Village government, and to provide for communications which may be inappropriate for mobile radios;
- Designated employees involved in the Village's emergency response plan; and
- Department Heads and employees who have responsibility for responding to public safety incidents in the field.

Responsibilities of the Administrator and Department Heads - The Administrator and Department Heads are responsible for:

- Approving requests for cellular telephones, tablets and other wireless personal communications devices from their respective subordinates;
- Insuring that requests are in conformity with the procedures outlined herein, or that exceptions are justified;
- Insuring that all persons assigned a Village-owned cellular telephone, tablet and/or other wireless personal communications device, are provided access to a copy of this policy, and that the individual is in compliance with it;
- Conducting periodic inventories of cellular telephones, tablets, and other wireless personal communications devices within their respective departments to insure accountability;
- Reviewing bills on a monthly basis in order to identify and seek reimbursement from all employees under their supervision for any unauthorized downloads or purchases on Village-owned cellular telephones, and transmitting this payment via deposit ticket to the Treasurer's Office;
- Conducting periodic reviews of assigned devices to determine if such assignments continue to be justified;
- Informing appropriate employees responsible for Village communications of all reassignments of cellular telephones and/or other wireless personal communications devices;
- Approving the download of applications or software that support the operations of the village and department. The purchase and download of any such application or software must be pre-approved in writing by the Village Administrator. All other purchases and/or downloads are strictly prohibited; and
- Conducting periodic checks to make sure all employees issued a Village-owned cellular telephone are using the village-issued cellular telephone protective cover or case.

Responsibilities of Employees - Employees who are assigned the use of Village-owned cellular telephones and tablets are responsible for the following:

- Insuring the physical security of such devices and making sure any cellular telephone or tablet cover or case issued by the village for a Village-owned cellular telephone remains on the phone and in proper working order;
- Insuring that all communications on such devices are kept to the briefest duration possible;
- Keeping personal communications to a minimum during working hours;
- Insuring that any personal use does not detract from the employees' availability for completion of assigned duties;
- Only downloading applications or software that are pre-authorized in writing by the Administrator or Department Head for village business; and
- Reimbursing the village for the cost of any unauthorized downloads.

Use of Electronic Communications Devices and Safe Driving - All Village employees are expected to drive with safety as the first priority. This includes driving safely while operating cellular telephones and/or other wireless personal communications devices. The following procedures for vehicle-based calling to or from cellular phones or other wireless communications devices shall be followed or as required by NYS law:

- When driving, if an employee uses a cell phone, the employee must use a hands-free device, pull off the road for the duration of a call, or ask a passenger to make the call.
- Do not use the wireless communications devices at all (even hands free) if there are hazardous road or traffic conditions.

Employees are responsible for, and will be held accountable for, safe driving at all times.

General Statements on the Use of Wireless Communications Devices:

- Use of a log-on or password does not imply any right to employee privacy of communication.
- Use of a deletion keystroke or process does not mean a message/document has been eliminated from a wireless communications device, e.g., pager.
- Any abuse or inordinate use of those devices may result in a loss of the device and possible disciplinary action, up to and including termination. Any employee responsible for inordinate use of wireless communications devices may also be held responsible for the resulting costs to the Village.

Monitoring of Wireless Communications by Supervisors - Supervisory reviews of wireless communications may be conducted for business reasons. Supervisors may review the communications of their employees to determine if there have been:

- breaches of security;
- violations of Village policy; and/or
- misuse by an employee.

All such reviews must be approved by a Department Head or designated manager. Reviews of wireless communications that have been electronically stored may be conducted only with the approval of the Administrator or Department Head.

Employees who repeatedly need cellular phones replaced due to breakage or the phone or case may result in not receiving a replacement cellular telephone, or being issued a less costly cellular telephone.

Subject to the terms of any applicable collective bargaining agreement, violation of these Policies and Procedure may result in disciplinary action.

Use of Personal Cellular Phones and Tablets:

Personal use of cellular phones and tablets for phone calls, texts, email or social media during the work day shall be kept to a bare minimum. The following are a few examples of unacceptable behavior:

- Repeated personal calls from the same person.
- Calls exceeding a few minutes (i.e. more than 2-3 minutes). If an emergency situation exists necessitating the need for an extended phone call, the employee shall notify their supervisor and go to a private office area to continue the call (not the hallway, bathroom, or any public areas).
- Taking or continuing a personal call when assisting the public.
- Using phones for private calls, texts or emails during official meetings.
- Regularly checking phones or tablets for emails or social media updates.
- Loud ringing or notification sounds (placing phones on vibrate or silent modes are strongly encouraged).

Repeated violations of this policy will result in not allowing the personal cellular phone or tablet at the workplace.

The above policies that relate to phone calls also apply to the use of wired phones provided by the village.

C. PLAYING MUSIC:

Employees shall keep music or radio levels at a minimum. Music should be at a background level that is not disruptive to the public, co-workers or the work place. Any employee within a department may object to any playing of music in an office or work area by notifying their supervisor. If there are any objections from employees, the music will be turned off.

IV. EMPLOYMENT PRACTICES

A. IMMIGRATION LAWS The Village complies with the Immigration Reform and Control Act of 1986 by verifying that all employees are authorized to work. The Village does not discriminate against any individual based on national origin or citizenship status.

B. EXTENDED SICK LEAVE Extended sick leave for a long-term illness or injury shall be granted in the following manner, provided it is consistent with the Village's Family and Medical Leave Act policy:

1. Once all existing sick leave has been exhausted, the employee may convert any other accumulated time (e.g. unused vacation days from the current and prior year and unused personal days from the current year) to sick leave.
2. Once the above has been exhausted, other employees may donate up to five (5) sick leave days per employee per incident to a co-worker on a voluntary basis.

C. FAMILY AND MEDICAL LEAVE ACT OF 1993

Statement of Compliance ó The Village complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

Summary ó FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. It permits a longer period in certain limited circumstances as stated below. The twelve-month period is a rolling period measured backward from the date an employee uses any FMLA leave. At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave.

Eligibility ó To be eligible for an unpaid leave under the FMLA, an employee must meet the following requirements:

- The employee must have worked for the Village for at least twelve months before the leave request (these need not be consecutive); and
- The employee must have worked for the Village for at least 1,250 hours during the previous twelve months prior to the date the leave commences.

Types of Unpaid Leave ó An eligible employee will receive an unpaid leave under the following circumstances:

- Inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition;
- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child; or
- To care for the employee's spouse, child, or parent who has a serious health condition.
- A "qualifying exigency" arising out of the fact that an employee's spouse or child is serving on active duty in the armed forces or called to active duty in the armed forces or called to active duty in support of a contingency plan; and/or
- The care of a spouse, child, parent or next of kin (defined as nearest blood relative) who is a covered service member¹ and who has incurred an injury or illness in the line of duty while on active duty in the armed forces, provided that such injury or illness may render the family member unfit to perform duties of the member's office, grade, rank or rating.

When FMLA leave is taken for the birth of an employee's child; the placement of a child with the employee for adoption or foster care; the serious health condition of an employee's child under the age of 18 years of age (or is older and incapable of self-care because of a mental or a physical disability), registered domestic partner, spouse or parent; or "qualifying exigency," related to the active military duty of an employee's spouse or child, the eligible employee may take up to 12 workweeks of leave during any 12-month period.²

If the FMLA leave is to care for an employee's spouse, child, parent, or next of kin who is an injured or ill covered service member, an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member.

Service member-related FMLA runs concurrent with other FMLA leave and other leave entitlements provided under federal, state and local law. Leave to care for an injured or ill covered service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. FMLA leave due to a "qualifying exigency" related to military leave is limited to 12 workweeks and runs concurrently with other types of FMLA leave.

¹ A covered service member is defined as a member of the armed forces, including a member of the national guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

² Additionally, an employee working an average of twenty or more hours per week who is the spouse of a member of the United States armed forces, national guard, or reserves who has been deployed during a military conflict (to a combat zone of operations or a combat theater) while on leave, will be given ten days of unpaid leave. The Village will not retaliate against any employee for requesting or taking military spouse leave.

Definitions ó The following terms are defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825. For the purpose of guidance, the following definitions will apply:

- **Serious Health Condition** means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - A period of incapacity due to pregnancy or prenatal care;
 - A period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

- **Health Care Provider** means and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.

- **Family Member** will mean and refer to:
 - **Spouse** ó husband or wife as defined or recognized under State law for purpose of marriage;
 - **Parent** ó biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined below. This term does not include an employee's parents "in law";
 - **Child** ó biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of

an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements ó If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head and or supervisor at least thirty calendar days prior to the commencement date of the unpaid leave. The employee and or supervisor must complete the Family and Medical Leave Act Request Form and forward the completed form to the Village Deputy Treasurer for review. The failure of an employee to give thirty days notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient. Once a request for FMLA has been made, or if the Village reasonably believes that the reason an employee seeks or has started leave qualifies for FMLA leave, the Village shall provide the employee written notice of his/her rights and obligations under the FMLA.

Extension of Original Leave Request ó In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the employee must submit a new Family and Medical Leave Request Form seeking approval for the extension.

Status Reports ó The employee must periodically update his/her supervisor as to the employee's status and intent to return to work. When the leave is due to the employee's own serious health condition or the serious health condition of the employee's spouse, child, or parent, medical recertification is required every thirty days.

Medical Certification ó The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, within fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the Village Deputy Treasurer. Employees must use the medical certification form provided by the Village Deputy Treasurer for this purpose, and the forms must be completely filled out. Among other things, the medical certification requires the Health Care Provider to certify:

- a. the date on which the serious health condition began;
- b. the probable duration;
- c. the appropriate medical facts regarding the condition;
- d. if leave is taken due to the serious health condition of a spouse, child or parent, a statement that the eligible employee is needed to care for the spouse, child or parent and an estimate of the amount of time that such employee is needed for the care;

- e. if the leave is taken for the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her position;
- f. in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the expected dates and duration of such treatment;
- g. in the case of certification for intermittent leave, or leave on a reduced leave schedule taken for the employee's own serious health condition, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; and in the case of certification for intermittent leave, or leave on a reduced leave schedule taken because of the serious health condition of a spouse, child or parent, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the spouse, child or parent who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

Recertification:

Employees who are on leave for their own serious health condition, that of a spouse, child or parent, or service member leave are required to submit a written recertification of the need to remain on the leave every 30 days, unless the minimum duration specified on the employee's medical certification is for a period longer than 30 days. In such cases, the employee must provide recertification upon expiration of the time period specified in the original medical certification. The Village may request recertification on a more frequent basis if:

- a. the employee requests an extension of leave; or,
- b. changed circumstances occur regarding the illness or injury; or,
- c. the Village receives information that casts doubt upon the continuing validity of the most recent certification; or
- d. an employee is unable to return to work after exhaustion of medical leave because of the continuation, recurrence or onset of a serious health condition thereby preventing the Village from seeking reimbursement for group health premiums paid on the employee's behalf during a period of unpaid medical leave.

Leave for the Birth, Adoption or Foster Care Placement of a Child ó Leave for the birth of a child or the placement of a child for adoption or foster care must be taken within twelve months from the date of the birth or placement.

Certification for Adoption/Foster Care ó An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

Employment Restrictions During Leave of Absence ó While on an approved unpaid leave, the employee may not hold any employment or engage in any activity that is inconsistent with his/her medical condition.

Use of Benefit Accruals Prior to FMLA ó The Village recognizes that an employee may choose to save vacation, sick, and/or personal leave credits in accordance with the applicable Village policy so that such benefits can be used in the event of the birth of a child, illness, or similar reason. As an incentive, at the employee's option, the employee may use all vacation and personal leave credits prior to the start of a FMLA leave. If the time off is due to the birth of a child (female employees only), the employee's own serious health condition, or the serious health condition of a parent, child, or spouse, the employee may also use all sick leave credits prior to the start of a FMLA leave. However, in accordance with the FMLA, the employee has the option of requesting a FMLA leave and using benefit credits for all or part of such leave.

- **Accrual of Paid Leave Credits** ó An employee will continue to accrue vacation, personal, and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation, personal, and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation, personal, or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** ó During the period of authorized FMLA designated leave an employee will continue to be covered by medical insurance, provided that s/he continues to pay his or her normal contribution (if any) towards health insurance premiums. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA will apply. In addition, if the employee does not return to work, the Village may recover the premiums that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
 - The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
 - Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more

than 75 miles from the employee's work-site; the employee is laid off while on leave.

Early Return ó An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return.

D. LEAVE FOR JURY AND COURT ATTENDANCE Any employee on an annual salary basis who is required to serve as a juror shall be granted a leave of absence with pay provided that any fees received by him/her as a juror shall be paid by him/her to the Village.

Employees must notify their Department Head immediately after they receive notice that they will be called for jury duty. The department head may direct the employee to request an adjournment of the jury duty to a time less disruptive to the Village's operations.

V. CONTINUATION OF HEALTH INSURANCE (COBRA)

Summary – The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers "qualified beneficiaries" the right to continue existing health insurance coverage on a temporary basis under certain qualifying conditions. All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue. Any questions regarding COBRA should be directed to the Treasurer's office.

VI. EMPLOYER-PROVIDED VEHICLE-USE POLICY

Employees and officials of the Village of Rye Brook who use a Village-owned automobile shall conform to the following policy:

1. Village-owned vehicles shall be operated by authorized personnel only in a safe manner in conformance with all applicable laws and regulations.
2. Use of all vehicles owned by the Village of Rye Brook shall be shared by employees and departments as necessary to maximize the effectiveness of Village operations. No vehicle will be restricted to the exclusive use of any employee or official.
3. Individuals holding the following positions are authorized to utilize a vehicle for Village-related business use and limited personal use:
 - Village Administrator
 - Police Chief

- Police Lieutenant
 - Village Engineer
 - Building Inspector
 - Superintendent of Recreation
 - General Foreman
 - Code Enforcement Officer/Assistant Building Inspector
4. Limited personal use shall be defined as travel within fifty (50) miles of Rye Brook unless stated by separate agreement or authorized in advance in writing by the Village Board. This vehicle shall not be utilized as the primary car for the employee's family, and only the Village employee is authorized to operate the vehicle.
 5. During periods of extended leave (5 days or more), persons authorized to use vehicles shall leave the vehicle at a Village facility so that it is available for use.
 6. Persons authorized to use Village vehicles for any personal use shall maintain records as may be required by the Village Treasurer and I.R.S. regulations. The imputed value of the personal use will be reported as taxable income in accordance with law.
 7. Any exceptions to this policy must be authorized in advance and in writing by the Village Board.

VII. OTHER EMPLOYEE BENEFITS & PROGRAMS:

A. DIRECT DEPOSIT. The Village offers Direct Deposit to its employees. An employee may have his/her pay directly deposited into his/her checking or savings account via ACH (Automated Clearing House network). Employees will continue to receive a pay stub. The advantages to employees are many. There will no longer be a need to go to the bank in bad weather and no more lost time during your lunch hour or evenings waiting in line at the bank. There will no longer be a need to carry large sums of cash and no possibility of losing it or having it stolen. When you're on vacation or sick, no special arrangements have to be made on payday because your money will automatically be in the bank. These steps all mean added convenience and security for you and your account remains confidential. The Village of Rye Brook will simply be originating a credit to your account each payday and will have no further contact with the bank. Once you sign up for direct deposit you will be allowed to make changes or adjustments to your bank account on file twice a year. The first time your new information is submitted to us we will have to do a test and your Direct Deposit will be delayed until we receive instructions from our bank stating your account information has been accepted. This should take no more than one or two payroll cycles. Employees who receive second checks and sign up for Direct Deposit will have both checks deposited through the ACH system but will receive two pay stubs. Employees cannot have one check direct deposited and the other not direct deposited. All checks must go through the

ACH system. Any employee interested in enrolling in the Direct Deposit program should visit the Village Treasurer's Office.

B. EMPLOYEE ASSISTANCE PROGRAM (EAP): The Employee Assistance Program began in 1977 in Westchester County. The objective of the program is to provide professional assistance to employees whose behavioral/medical problems negatively affect their job performance and personal life. There is a wide range of problems which are successfully resolved by this program including alcohol abuse, substance abuse, marital problems and others. The Employee Assistance Program offers people with problems the opportunity to actively seek help. The Employee Assistance Program is a confidential, free service that the Village is providing employees and members of their immediate family. It is the objective of the Village to provide an opportunity for employees to enjoy happy, healthy and productive lives, and the Employee Assistance Program can provide that opportunity. Employees may decide to contact the Employee Assistance Program on their own or on the recommendation of a close associate. The first step is up to the employee. Additional information regarding the EAP can be found at the Village Treasurer's Office.

C. FLEXIBLE SPENDING PLAN. The Village offers a Flexible Spending Plan.

Premium Only Plan – By electing to participate in this program, an employee will have the full amount of his/her annual contributions toward health and dental insurance premiums deducted from his/her annual salary creating a lower taxable income. The employee benefits by having his/her health and dental premiums taken out of his/her salary on a pre-tax basis (state and federal income tax), and paying less FICA tax. This benefit will actually increase the employee's annual net income each year. A lower taxable income will not affect the employee's status in the New York State Retirement System; however, a lower taxable income will reduce the Social Security wage base for determination of Social Security benefits and will result in the reduction of those benefits. This plan is optional for all eligible employees. Eligible employees are defined as full-time employees who contribute towards health and dental insurance premiums.

Medical Expense Reimbursement ó It is a 12-month plan year from January 1 to December 31 of each year. There is a \$5,000 annual maximum contribution for this account. Funds are not required to be in your flex account in order to be reimbursed for medical expenses. You may file for reimbursement of expenses incurred during a calendar year up to 90 days following the end of the year. If you do not use your total medical account during a calendar year, you lose the balance.

Dependent Care Reimbursement ó It is a 12-month plan year from January 1 to December 31 of each year. There is a \$5,000 annual maximum contribution of this account. Funds **must be** available in your account to be reimbursed for dependent expenses. You may file for reimbursement of expenses incurred during a calendar year up to 90 days following the end of the year. If you do not use your total

dependent care account during a calendar year, you lose the balance. **Please note.** Once an employee elects to participate in the Flexible Spending Plan, the election cannot be changed within the calendar year, except for certain family status changes. Permissible changes in family status include a change in marital status, the birth or adoption of a child, the death of a spouse or child, and the termination of employment by an employee's spouse and the loss of coverage by an employee's spouse under welfare benefit plans sponsored by the spouse's employer.

- D. VOLUNTARY INSURANCE:** The Village has made arrangements for various companies to provide different policies which are paid through payroll deductions. These policies may include Accident, Cancer, Hospital Confinement Indemnity, Hospital Confinement Sickness Indemnity and Disability. Employees sign up for these policies during open enrollment unless a change in family status occurs. Permissible changes in family status include a change in marital status, the birth or adoption of a child, the death of a spouse or child, and the termination of employment by an employee's spouse and the loss of coverage by an employee's spouse under welfare benefits plans sponsored by the spouse's employer. The village reserves the right to modify or discontinue these carriers and policies at any time.
- E. PORT CHESTER TEACHERS' FEDERAL CREDIT UNION.** The Village is a member of the Port Chester Teachers' Federal Credit Union. Payroll deductions and direct deposit are offered through the credit union. The credit union offers financial (banking) services. The services offered are Free Virtual Branch Internet Banking and Bill Pay, share accounts (savings), free checking (share draft), holiday and vacation clubs, IRAs, CDs, American Express travel and gift checks/cards, US savings bonds, Visa credit cards, ATM/debit cards and automobile, personal and home equity loans.
- F. NYS RETIREMENT SYSTEM.** Among the fringe benefits of public employment are retirement benefits. The New York State Employees' Retirement System and the New York State Policemen's and Firemen's Retirement System serve as the administrators of the pension system for virtually all public employees outside of New York City except teachers. Membership in a Retirement System is mandatory when an employee is considered to have a permanent Civil Service Appointment. For more information regarding the NYS Retirement System contact Village Treasurer's office.
- G. SECTION 41 (j) NYS RETIREMENT SYSTEM.** The Village of Rye Brook has opted to participate under Section 41 (j), "Allowance for Unused Sick Leave." This Section allows an employee to accumulate up to one hundred sixty-five (165) sick days as service-credit towards retirement. This benefit applies to employees in all tiers of membership.
- H. DEFERRED COMPENSATION.** The Deferred Compensation Plan is being offered in response to a growing awareness among public employees of the need to accumulate assets during working years for use after retirement. It is an excellent

supplement to your Social Security and Pension Benefits. The Deferred Compensation Plan is a voluntary savings program created by Federal and State Law allowing public employees to save a portion of their gross pay before Federal, State and Local Income Taxes are deducted. The amount deferred accumulates tax-free until the funds plus earnings are distributed. (Generally after retirement when most people are in a lower tax bracket). An employee can determine the amount of contribution. The employee can also select the investment options which are best suited to his/her needs. An employee can decrease his/her contribution level on a monthly basis and select the percentage of his/her contribution which is invested in each option. The employee will receive a quarterly statement on the performance of his/her investment. The employee determines the age, after retirement, when he/she wants payment to begin (until 70 ½). Please check with the Treasurer's Office as to the amount you are allowed to contribute each year.

- I. **NEW YORK'S 529 COLLEGE SAVINGS PROGRAM.** New York's 529 College Savings Program *Direct Plan* provides a flexible, convenient, and low-cost way to save for college. The Program features a wide range of investment choices, tax-free withdrawals when used for certain qualified higher-education expenses, and contributions that are tax-deductible (up to certain limits**) for New York State residents. You can save for a child, grandchild, friend -- or even yourself. Please check with the Treasurer's Office for additional information.

VIII. **WORKERS' COMPENSATION.** An employee must notify his/her department head immediately if he/she is injured on the job or becomes ill as a result of his/her job. When an employee reports the injury or illness to his/her department head, he/she will be given an incident report to fill out.

Revised 09-08-2015

Village of Rye Brook

EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the **Village of Rye Brook Employee Policies and Procedures**. I further acknowledge that I am required to read and either have read, or will read, the contents of the Employee Handbook and will contact my Department Head if I have any questions.

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

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

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

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals, policies, and guidelines issued by the Village of Rye Brook.

Employee name (please print)	Department Head Name (please print)
Employee Signature	Department Head Signature
Date of Signature	Date of Signature