

HUMAN RESOURCE COMMITTEE MEETING AGENDA

Date: Thursday, September 20, 2018 @ 9:00 AM **DATE CHANGE IS DUE TO NYSAC CONFERENCE**

Present: **Tallman, King**, Kehl, Grant, Hastings, Brunner, Leuer, Becker, Copeland

Absent:

Also Present:

Department Agenda Item	Discussion	Decision	Action
9:00 AM Weights and Measures w/L. Paolucci			
1. <i>Monthly Activity Report for August 2018</i>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
2. <i>Monthly Financial Report for August 2018</i>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
3. <i>FYI ~ Contract (\$3,000 and under):</i>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<ul style="list-style-type: none"> • County of Steuben, 3 East Pulteney Square, Bath, NY 14810 for Weights and Measures coverage (during a medical leave of absence) in Wyoming County subject to Agriculture and Markets Law; effective October 01, 2018 through December 31, 2018. 			
9:15 AM Historian w/C. Amrhein			
1. <i>Grant Application:</i> Authorize Chairman to sign a grant application with Arts Council of Wyoming County, 31 S. Main St., Perry, NY 14530, for the provision of funding for a county wide history tour in a minimum amount of \$500.00; effective January 1, 2019 through December 31, 2019. Deadline Oct. 25 th . (Copy will be sent to county attorney.)		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
2. <i>General Update:</i>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<ul style="list-style-type: none"> • Attended Warsaw Village proclamation presentation • Sen. Gallivan at office to unveil bridge piece • Update to building security system • Fair Report - attached • 1 hr history talk on uTube on Native America land <ul style="list-style-type: none"> ○ https://youtu.be/5csyJ5GQAWU • Using interns, students and community action workers all summer and fall. • Treasure Hunt Through History Update • Increase in <i>Historical Wyoming</i> distribution • Reached out to Java Historical Society • 2019 budget discussion 			

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Absent:

Also Present:

Department Agenda Item	Discussion	Decision	Action
9:30 AM Human Resource w/D. Farberman & J. Ford			
<p>1. <i>Position Fill:</i> <i>County Sheriff</i> One (1) position of <i>Correction Officer - PT</i> (position code 072.065) on Schedule WCSEA Grade 4 (\$20.54 - \$25.20/hr.); Person vacating: Larry Whiting, effective September 2, 2018; position available: October 10, 2018.</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>2. <i>Position Fill:</i> <i>Department of Social Services</i> One (1) position of <i>Case Supervisor – Grade B</i> (position code 072.041) on Schedule CSEA Schedule A Grade 18 (\$25.49 - \$28.85/hr Person vacating: Beth Schafer, effective September 14, 2018; position available: October 3, 2018.</p>	<i>An Emergency Fill was approved by Chairman Berwanger and Director Farberman on 8/28/2018; effective 09/15/18.</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>3. <i>Position Fill:</i> <i>Department of Social Services</i> One (1) position of <i>Senior Social Services Program Specialist</i> (position code 139.361) on CSEA Schedule A Grade 13 (\$19.78 - \$22.75/hr.); Person vacating: Rebecca Shull-Huffer, effective September 16, 2018; position available: October 3, 2018.</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>4. <i>Position Fill:</i> <i>Department of Social Services</i> One (1) position of <i>Account Clerk</i> (position code 066.002) on CSEA Schedule A Grade 4 (\$16.36 - \$18.00/hr.); Person vacating: Brooke Ingles, effective September 30, 2018; position available: October 3, 2018.</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>5. <i>Set Salary:</i> <i>Department of Buildings and Grounds</i> Set hourly pay rate of <i>Laborer (Per Diem) (Temp)</i> (position code 041.144) at \$17.53/hr effective September 10, 2018</p>	<i>The position was created via Res. #18-396 on 09/11/18; hourly wage yet to be negotiated.</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>6. <i>Set Salary:</i> <i>Department of Buildings and Grounds</i> Set hourly pay rate of <i>Carpenter (Per Diem) (Temp)</i> (position code 042.037) at \$18.27/hr effective September 10, 2018</p>	<i>The position was created via Res. #18-396 on 09/11/18; hourly wage yet to be negotiated.</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:

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Absent:

Also Present:

Department Agenda Item	Discussion	Decision	Action
7. Amend Resolution No. 18-254: Authorize Chairman to sign an Amended Contract with Indeed, Inc. , 6433 Champion Grandview Way, Building 1, Austin, TX 78750, for the provision of online Pay-per-click job postings/advertisements at \$1.00/click up to \$3,000/mo.; not to exceed \$15,000.00; effective July 20, 2018 through December 31, 2018.	<i>Pre-Approval was provided by Chairman Berwanger on 9/10/2018.</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
8. Amend: Salary Schedule "S" Handbook: <ul style="list-style-type: none"> Adding Longevity Pay Article 	<i>See Attached</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
9. Amend: Salary Schedule "D" Handbook: <ul style="list-style-type: none"> Adding Longevity Pay Article 	<i>See Attached</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
10. Amend: Wyoming County Sexual Harassment Policy: <ul style="list-style-type: none"> Wholly adopting recommended language handed down by NYS. 	<i>See Attached</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
11. Discussion Item: <ul style="list-style-type: none"> Board Clerk Staff Salary Review Deputy Treasurer Stipend Status FYI: Section 75 Rights - Labor Class FSA Administrative Fee Allocation 		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Civil Service w/D. Farberman & J. Ford			
12. Civil Service update for September 2018.		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
County Attorney w/J. Wujcik			
		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Records Retention w/G. Royce			
	<i>~Nothing to Report~</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:

Committee Chair Initials: _____

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Board of Elections w/J. Schlick & H. Bush			
	<i>~Nothing to Report~</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
9:00 AM County Clerk w/R. Pierce			
	<i>~Nothing to report~</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
DMV w/R. Pierce			
	<i>~Nothing to report~</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:

Signature of Committee Chairman: p/D. Tallman (minutes prepared by _____).

Next Human Resource Committee Meeting scheduled for **Tuesday, October 30, 2018 @ 9:00 AM.**

TO: COUNTY HUMAN RESOURCES COMMITTEE

DATE: September 20, 2018

FROM: Dept. of Weights and Measures
James Marley, Director

RE: MONTHLY ACTIVITY REPORT

PERIOD: August, 2018

WORKLOAD

Work Category	Hours Worked	% of Total
Weighing Devices Inspected and Tested	50	31%
Gasoline Pumps Inspected and Tested	0	0%
Bulk Milk Tanks Calibrated	12	7%
All Other Commercial Device Inspections	8	5%
Non-Mandated Tests and Requests	5	3%
Petroleum Quality Program	14	9%
Package Control / Pricing Accuracy	0	0%
Complaints / Investigations	4	2%
Civil Penalty and Court Hearings	0	0%
Administration (records, reports, scheduling)	26	16%
Public Relations (booth at County fair)	21	13%
Training (NYSW&M Conference and Training School)	0	0%
Equipment Maintenance	0	0%
Other: Travel, HR rpt, Budget preparation	0	0%
Paid Time Off (Holidays, Vacation, etc.)	21	13%
	161	100%

23 days @ 7 =161 hrs.

COMMENTS:

TO: COUNTY HUMAN RESOURCES COMMITTEE

FROM: Dept. of Weights and Measures
James Marley, Director

DATE: September 20, 2018

RE: MONTHLY FINANCIAL REPORT

Period: August, 2018

WORKLOAD			
DEVICES TESTED	No. tested	Rate per Device	Total
SCALES;			
Computing capacity to 33 lbs. First 5 in establishment	0	\$20	\$0
" " " " 6 and over tested at same time		\$10	
Medium capacity to 1000 lbs. (platform)	1	40	40
" " " (livestock)	2	40	80
PETROLEUM PUMPS;			
Single dispensing pumps		20	
Dual dispensing pumps		40	
Blend dispensing pumps	0	20	0
FUEL TRUCK METERS (VTM)	5	100	500
MILK TANK CALIBRATIONS			
" " " 300 gal Wyoming Co. Fair Assoc.		50	40
			\$660
			total to date: 2960
			2018 TOTAL to date \$3,620.00

COMMENTS:

2019 Community Arts Grant Application for Wyoming County

Administered by the Arts Council for Wyoming County

Funded by the New York State Council on the Arts

Project title WHERE IN WYOMING IS THE HISTORY GNOME?

Eligible applicants are limited to non-profit organizations and individual artists in Wyoming County, NY. Consult the guidelines to determine if you are eligible for a Community Arts Grant from the Arts Council for Wyoming County. For further information, contact us at 585-237-3517 or hollinger@artswyco.org

Deadline: Thursday, October 25. Application must be received at the ACWC office by 5 pm.

Legal Name of Organization: WYOMING COUNTY HISTORIAN'S OFFICE

EIN # 16-6002571

Sponsored Artist or Group: Historical Societies of Wyoming County

Legal Mailing Address: 26 Linwood Avenue

City: Warsaw State: NY Zip: 14569

Contact person 1 Cindy Amrhein Contact person2 Sally Smith

Phone: work 585-786-8818 Phone Cindy's cell 585-380-2764

E-Mail: camrhein@wyomingco.net E-Mail: ssmith@wyomingco.net

State your mission statement or briefly describe the purpose and activities of your organization.

To research, document and publish the history of Wyoming County and to assist others to do the same.

Fiscal Year Runs: 1 / 1 to 12/ 31 Year Organization formed/incorporated: 1841

Annual Operating budget amount for last fiscal year: \$92,942.00

NYS Assembly District #: 147 NYS Senate District #: 59 US Congressional District #: 26

Has your organization ever applied directly to NYSCA? Yes No Year applied: _____

Proof of Not-For-Profit status: Please check one that applies and submit a copy of the document with this application.

U.S. Internal Revenue Service 501(c)(3)

NYS Charities Registration (Article 7A)

Unit of local government

NYS Not-For-Profit Corporation (Charter from Board of Regents S.216)

Certificate of incorporation under S.402 of the NYS Not-For-Profit Law

Historian's Booth Fair Snapshot – 2018

Visitors to the Historian's booth who entered to win a subscription to *Historical Wyoming*.

WYOMING COUNTY - 212

Arcade -13
Attica – 18
Bennington – 1
Castle - 11
Eagle - 17
Gainesville – 37
Genesee Falls - 5
Java – 10
Middlebury - 4
Perry -36
Pike - 3
Sheldon – 13
Silver Lake -1
Warsaw – 43

OTHER NY COUNTIES

ALLEGANY – 14
ERIE - 32
CATTARAUGUS – 14
CHAUTAUQUA – 1
CHEMUNG - 1
GENESEE - 18
LIVINGSTON – 12
MONROE – 9
ORLEANS – 1
SARATOGA – 1
STUBEN – 3
WAYNE - 1

STATES

Palm Coast, FL -1
Annapolis, MD – 2
Abingdon, MD – 1
LasVegas, NV - 1
Lavewood, OH – 1

Wyoming County, NY

SCHEDULE S MANAGEMENT SUPPORT

EMPLOYEE BENEFITS



Revised 17-007 (01-01-2017)
Revised 16-154 (03-08-2016)
Revised 15-010 (01-20-2015)
Revised 13-418 (01-01-2014)
Revised 10-006 (01-04-2010)
Revised 09-004 (01-02-2009)
Revised 05-270 (9-14-2004)
Adopted 96-244

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ELIGIBILITY FOR BENEFITS

Part Time (with benefits)

A part time Schedule S employee whose salary is set at **\$12,000** or more per year shall be eligible for health insurance, and a proration of those benefits provided to regular full time Schedule S employees,.

Part Time (without benefits)

A part time Schedule S employee whose salary is set at less than **\$12,000** per year shall be eligible for only to those benefits mandated by law. These employees may participate in the health insurance program at their own expense.

Full Time

Employees shall receive all benefits mandated by law. Additional benefits described in this manual are available to employees in Schedule S unless otherwise stated by resolution, for the position.

An employee appointed to a Schedule S position who has continuous prior County employment in a full-time or part-time position shall have his/her date of hire or years of service determined for benefits under Schedule S by using his/her first date of hire or permanent appointment in the County to a full-time or part-time position which is continuous to his/her employment in a Schedule S position. In addition, such an employee shall carry over unused sick and vacation accruals earned in such prior County employment. If the amount of sick leave carryover exceeds the maximum for such leave in Schedule S, then the employee shall not receive any additional sick leave accruals under Schedule S until the accruals fall below the maximum. If the amount of vacation carryover exceeds the maximum for such leave in Schedule S, then the employee shall be paid for the excess at his/her rate of pay in his/her prior position in the first payroll following his/her employment in the Schedule S position.

HOURS OF WORK OVERTIME PAY AND COMPENSATORY TIME

Full time Schedule S employees are expected to work a minimum of 35 or 40 hours per week depending on the department the employee is assigned to.

Not all employees covered under Salary Schedule S are exempt from the Fair Labor Standards Act.

LONGEVITY PAY

To qualify for longevity pay employees must work in a benefitted position for 10 continuous years. The following will be paid out at the stated years of service each year until the next level is reached. Part time employees receive a pro-rated amount based on their FTE. Longevity pay will be divided amongst each paycheck over the entire calendar year.

Consecutive years of service	Per Annum Effective 01/01/19 (paid in normal paycheck)	Per Annum Effective 01/01/20 (paid in normal paycheck)
10 years	\$370	\$420
15 years	\$460	\$510
20 years	\$580	\$630

25 years		\$640		\$690
30 years		\$820		\$870

Said increment shall be awarded to qualified employees commencing with the first pay period following qualification, said payment in the 1st year of qualification to be pro-rated over the remaining pay periods in the calendar year to constitute the full amount of the increment. In subsequent years of qualification, the increment shall be pro-rated over the entire calendar year. Consecutive service shall mean continuous and uninterrupted employment for the County of Wyoming, except that no person shall be disqualified by absences which were bona fide sick leave, military leave, sabbatical leave, or leave of absence granted by the Chairman or his designated representative. In addition, a pro-rata increment pay shall be awarded to all part-time employees who have continuously worked 20 or more hours a week for the necessary period of time. An employee shall be qualified for the increment herein granted in the calendar year in which his employment reached the necessary span of years to qualify.

TIME SHEETS AND PAY DAY

Employees will be paid on a biweekly basis. Such pay shall be in the form of a payroll check or through direct deposit.

The employee is responsibility to maintain a time sheet that must be reviewed and signed by their Department Head.

TIME OFF REQUESTS

Employees requesting time off must complete a Benefit Time Off form and submit to their Department Head in advance. Whenever possible, the employee's request for time off shall be granted, but the final right to determine when such leave is to be granted is expressly reserved to the Department Head.

VACATION TIME

Update (01/01/17 Res. #17-007): Effective January 1, 2017, Full time employees in a Schedule S position shall accrue annual vacation time biweekly, based on twenty-four (24) days per anniversary year. After having completed ten (10) years of employment, a maximum and total of twenty-five (25) days is granted.

Part time employees accrue vacation time on a pro-rated basis. A maximum of sixty (60) days may be accrued at any time.

In a situation involving a request for time off for 5 or more days, the employee shall make such a request at least two (2) weeks in advance. Any request involving less than 5 days shall be submitted to the Department Head within the time frame designated by the department.

Update (03/08/16 Res. #16-154): Effective April 1, 2016, Schedule S employees who have accrued at least 90% of the maximum allowed, shall be permitted to receive vacation pay without taking vacation for which they are eligible up to a maximum of 5 days in any fiscal year. A schedule S employee must submit the request to tender benefit time to their Department Head. The Department Head will determine if the employee has the required amount of vacation accrued: for a 35 hour/week employee, 378 hours and for a 40 hour/week employee, 432 hours. Upon approval the Department Head will add the vacation buy-back amount to the payroll and submit to the Treasurer's Office for payment.

An employee, who is laid off, retires or resigns; shall receive payment for accrued vacation time if the employee provides four (4) weeks of notification to their department head. If an employee fails to give four (4) weeks' notice or is terminated for cause, he/she is not entitled to payment for their accrued vacation time.

PERSONAL DAYS

Employees shall earn four (4) personal days per anniversary year. New employees with less than one (1) year of service shall receive one (1) personal day at the beginning of each three-month period. After the completion of one (1) year of service, employees shall be granted four (4) days per year on their anniversary date.

An employee appointed to a Schedule S position who has continuous prior County employment in a full-time or part-time position shall have his/her date of hire or years of service determined for benefits under Schedule S by using his/her first date of hire or permanent appointment in the County to a full-time or part-time position which is continuous to his/her employment in a Schedule S position.

Unused personal days cannot be carried over into the following anniversary year and will not be paid out upon separation from employment. Unused personal days cannot be carried over after the following year's anniversary date.

SICK TIME

Full-time employees on the active payroll working or on paid leave accrue sick time biweekly based on twelve (12) days per anniversary year. Part time employees accrue sick time on a pro-rated basis. A maximum of two hundred ten (210) days may be accrued at any time.

Accrued sick time credit can be applied to an employee's service credit at retirement under the provisions of Section 41J of the Retirement Law.

Upon retirement, an employee who has accrued at least thirty (30) sick days shall be allowed paid health insurance on a day for day basis not to exceed two hundred ten (210) days up to seven (7) months.

Absence from duty by reason of the employee's own sickness, or medical treatment shall be known as sick leave.

Employees who are absent under the provisions of this section shall notify the Department Head of the absence.

After 3 consecutive days of illness, a medical certificate shall be required when returning to work.

Payout of Sick Time as a death benefit:

In the event a full time Schedule S employee passes away while actively employed by Wyoming County, their accrued and available sick time will be paid out to their estate.

HOLIDAYS

The following holidays shall be observed as paid holidays:

1. New Years Day
2. President's Day
3. Memorial Day
4. Veteran's Day

- 5. Independence Day
- 6. Labor Day
- 7. Columbus Day

- 8. Thanksgiving Day
- 9. Christmas Day
- 10. Floating Holiday

Saturday holidays will be celebrated on the preceding Friday. Sunday holidays will be celebrated the following Monday.

The floating holiday is to be used as a full day and cannot be used in hourly increments within the calendar year.

Unused floating holiday cannot be carried over into the following calendar year and will not be paid out upon separation from county employment.

BEREAVEMENT LEAVE

When a death occurs in the employee’s family, they will be entitled to time off with pay in accordance with the following schedule:

5 WORK DAYS

- Parent/Step Parent
- Spouse/Domestic Partner
- Child/Step Child
- Foster Child/Guard
- Related member of the Employee’s Household

3 WORK DAYS

- Brother/Sister
- Grandparent
- Grandchild
- Son/daughter-in-Law
- Parent-in-Law

1 WORK DAY

- Brother/Sister-in-Law
- Aunt/Uncle

Time off must be taken in consecutive workdays starting with the first day following the death. Such leave shall be deducted from the employee’s accrued sick, vacation, or personal days. If such accumulations are not available to the employee, bereavement leave shall be granted without pay.

JURY DUTY

Upon presenting proof of the necessity for the employee to serve jury duty, or to attend court for other than personal matters, a leave of absence with pay shall be granted by the Chairman of the Board of Supervisors.

Any juror pay received by the employee shall be turned over to the County Treasurer.

LEAVE OF ABSENCE

A leave of absence without pay, not to exceed one (1) year, may be granted to full-time employees’ at the sole discretion of the board of supervisors upon the terms and conditions established by the board.

FAMILY MEDICAL LEAVE

The county complies with the federal Family and Medical Leave Act. Refer to the county’s Family Medical Leave policy.

MILITARY LEAVE

The county complies with state and federal laws relative to military leave rights.

Wyoming County, NY

SCHEDULE D DEPARTMENT HEAD

EMPLOYEE BENEFITS



REVISED 16-272 (07-12-2016)
REVISED 16-266 (06-14-2016)
REVISED 16-154 (03-08-2016)
REVISED 15-010 (01-20-2015)
REVISED 13-418 (01-01-2014)
REVISED 10-006 (01-04-2010)
REVISED 09-004 (01-02-2009)
REVISED 05-270 (09-13-2005)
REVISED 04-261 (09-14-2004)
ADOPTED 96-244

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ELIGIBILITY FOR BENEFITS

Part Time (with benefits)

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Part Time (without benefits)

A part time Schedule D employee whose salary is set at less than \$12,000 per year shall be eligible for only to those benefits mandated by law. These employees may participate in the health insurance program at their own expense.

Full Time

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An employee appointed to a Schedule D position who has continuous prior County employment in a full-time or part-time position shall have his/her date of hire or years of service determined for benefits under Schedule D by using his/her first date of hire or permanent appointment in the County to a full-time or part-time position which is continuous to his/her employment in a Schedule D position. In addition, such an employee shall carry over unused sick and vacation accruals earned in such prior County employment. If the amount of sick leave carryover exceeds the maximum for such leave in Schedule D, then the employee shall not receive any additional sick leave accruals under Schedule D until the accruals fall below the maximum. If the amount of vacation carryover exceeds the maximum for such leave in Schedule D, then the employee shall be paid for the excess at his/her rate of pay in his/her prior position in the first payroll following his/her employment in the Schedule D position.

HOURS OF WORK OVERTIME PAY AND COMPENSATORY TIME

Full time Schedule D employees are expected to work a minimum of 35 to 40 hours per week, depending on the department they are assigned, and are considered to be exempt employees under the Fair Labor Standards Act.

LONGEVITY PAY

To qualify for longevity pay employees must work in a benefitted position for 10 continuous years. The following will be paid out at the stated years of service each year until the next level is reached. Part time employees receive a pro-rated amount based on their FTE. Longevity pay will be divided amongst each paycheck over the entire calendar year.

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Consecutive service shall mean continuous and uninterrupted employment for the County of Wyoming, except that no person shall be disqualified by absences which were bona fide sick leave, military leave, sabbatical leave, or leave of absence granted by the Chairman or his designated representative. In addition, a pro-rata increment pay shall be awarded to all part-time employees who have continuously worked 20 or more hours a week for the necessary period of time. An employee shall be qualified for the increment herein granted in the calendar year in which his employment reached the necessary span of years to qualify.

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Part time employees accrue vacation time on a pro-rated basis. A maximum of sixty (60) days may be accrued at any time.

Requests for vacation time are to be submitted to the Chairman of the Board of Supervisors as soon as possible and before taking such leave. Department Heads will make every effort to insure the work of the department is responsibly attended to during their absence, and to keep the Chairman of the Board of Supervisors posted as to how to reach the Department Head while off.

Update (03/08/16 Res. #16-154): Effective April 1, 2016, Schedule D employees who have accrued at least 90% of the maximum allowed, shall be permitted to receive vacation pay without taking vacation for which they are eligible up to a maximum of 5 days in any fiscal year. A schedule D employee must submit the request to tender benefit time to the Chairman of the Board of Supervisors. The Chairman will determine if the employee has the required amount of vacation accrued: for a 35 hour/week employee, 378 hours and for a 40 hour/week employee, 432 hours. Upon approval the Department Head will add the vacation buy-back amount to the payroll and submit to the Treasurer's Office for payment.

An employee, who is laid off, retires or resigns; shall receive payment for accrued vacation time if the employee provides four (4) weeks of notification to the Chairman of the Board of Supervisors. If an employee fails to give four (4) weeks' notice or is terminated for cause, he/she is not entitled to payment for their accrued vacation time.

PERSONAL DAYS

Employees shall earn four (4) personal days per anniversary year. New employees with less than one (1) year of service shall receive one (1) personal day at the beginning of each three-month period. After the completion of one (1) year of service, employees shall be granted four (4) days per year on their anniversary date.

Employees appointed to Schedule D with prior County employment in a full-time or part-time position shall have their date of hire or years of service determined for benefits under Schedule D by using their first date of hire in the County to a full-time or part-time position which is continuous with Schedule D appointment.

Unused personal days cannot be carried over into the following anniversary year and will not be paid out upon separation from employment. Unused personal days cannot be carried over after the following year's anniversary date.

When taking a personal day, notification to the Chairman of the Board of Supervisors must be made as soon as possible.

SICK TIME

Full-time employees on the active payroll working or on paid leave accrue sick time biweekly based on twelve (12) days per anniversary year. Part time employees accrue sick time on a pro-rated basis according to their FTE's. A maximum of two hundred ten (210) days may be accrued at any time.

Accrued sick time credit can be applied to an employee's service credit at retirement under the provisions of Section 41J of the Retirement Law.

Upon retirement, an employee who has accrued at least thirty (30) sick days shall be allowed paid health insurance on a day for day basis not to exceed two hundred ten (210) days up to seven (7) months.

Absence from duty by reason of the employee's own sickness, or medical treatment shall be known as sick leave.

Employees who are absent under the provisions of this section shall notify the Chairman of the Board of Supervisors of the absence.

After 3 consecutive days of illness, a medical certificate shall be required when returning to work.

Payout of Sick Time as a death benefit:

In the event a full time Schedule D employee passes away while actively employed by Wyoming County, their accrued and available sick time will be paid out to their estate.

HOLIDAYS

The following holidays shall be observed as paid holidays:

- | | |
|---------------------|----------------------|
| 1. New Year's Day | 6. Labor Day |
| 2. President's Day | 7. Columbus Day |
| 3. Memorial Day | 8. Thanksgiving Day |
| 4. Veteran's Day | 9. Christmas Day |
| 5. Independence Day | 10. Floating Holiday |

Saturday holidays will be celebrated on the preceding Friday. Sunday holidays will be celebrated the following Monday.

The floating holiday is to be used as a full day and cannot be used in hourly increments within the calendar year. Unused floating holidays cannot be carried over into the following calendar year and will not be paid out upon separation from county employment.

BEREAVEMENT LEAVE

When a death occurs in the employee's family, they will be entitled to time off with pay in accordance with the following schedule:

5 WORK DAYS

Parent/Step Parent
Spouse/Domestic Partner
Child/Stepchild
Foster Child/Guard

3 WORK DAYS

Brother/Sister
Grandparent
Grandchild
Son/Daughter-in-law

1 WORK DAY

Brother/Sister-in-law
Aunt/Uncle

Relative member of
employee's household

Parent-in-law

Time off must be taken in consecutive workdays starting with the first day following the death. Such leave shall be deducted from the employee's accumulated sick, vacation, or personal days. If such accumulations are not available to the employee, bereavement leave shall be granted without pay.

JURY DUTY

Upon presenting proof of the necessity for the employee to serve jury duty, or to attend court for other than personal matters, a leave of absence with pay shall be granted by the Chairman of the Board of Supervisors.

LEAVE OF ABSENCE

A leave of absence without pay, not to exceed one (1) year, may be granted to full-time employees at the sole discretion of the Board of Supervisors upon terms and conditions established by the board.

FAMILY MEDICAL LEAVE

The county complies with the federal Family and Medical Leave Act. Refer to the county's Family Medical Leave policy.

MILITARY LEAVE

The county complies with state and federal laws relative to military leave rights

HEALTH INSURANCE

Full and part time employees with a salary of \$12,000 annually or greater are eligible to participate in the County's current health plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of each plan year shall be forfeited.

The employer will pay 100% of the cost of single or family health insurance coverage for employees hired or appointed prior to 1/1/2014. Employees hired or appointed on or after 1/1/2014 will contribute 10% of the total premium. Premiums will be deducted over 24 pay periods per year on a pre-tax basis.

An employee who is eligible for health insurance and does not participate is eligible for a repudiation payment. Repudiation amounts are \$750 for single coverage and \$1,000 for family coverage. Proof of other insurance is required. The repudiation period is February 1 to January 31. Repudiation will be paid in the first paycheck of February following the date of hire.

DENTAL INSURANCE

Employees are eligible to participate in the current County Dental Insurance Plan. Two plans are available; a High Option or a Low Option. The employee will pay the total premium and it will be deducted over 24 pay periods per year on a pre-tax basis. For information on the Dental Insurance or to enroll in this plan, contact the County Insurance Office.

DISABILITY INSURANCE

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued sick time must be exhausted prior to receiving benefits under this plan. After sick is exhausted the employee may elect to use vacation, personal leave time or comp time to supplement the plan and to provide the employee within 2% of a full week's wage. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee.

Part time employees are not eligible for NYS statutory disability benefits.

WORKERS' COMPENSATION INSURANCE

Workers' compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

An employee who suffers a work related injury or illness must immediately notify the Chairman of the Board of Supervisors and complete and file the necessary forms.

RETIREMENT

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at www.osc.state.ny.us/retire.

DEFERRED COMPENSATION RETIREMENT PLAN 457

Employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account. Information about this program can be obtained from the Human Resources Department.

TUITION REIMBURSEMENT

Full-time employees, with the specific prior permission of their "sponsoring" Board of Supervisors' standing committee, and the Board of Supervisors' Finance Committee, may be eligible to receive tuition reimbursement up to 50% of the tuition and fees with an annual cap of \$5,000. The degree or specific courses (if not pursuing a degree) MUST be directly work related or lead to advancement opportunities within the county, and funds must be available and budgeted. In order to qualify for such reimbursement the employee must have obtained a grade of B or better. The employee must work for Wyoming County for three (3) years after completion of the degree. If an employee separates employment before the completion of three (3) years, all tuition reimbursement must be repaid to the county.

A tuition reimbursement request must be submitted and approved by the appropriate committees prior to classes being taken for full eligibility. A tuition reimbursement request voucher, along with proof of the grade and payment for the class(es) must be submitted to the Chairman of the Board of Supervisors for final approval.

PERFORMANCE EVALUATION

Employees will be evaluated on an annual basis by their Committee Chair or designee.

DISCLAIMER

The Schedule D Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule D. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In that regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet in its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.

APPENDIX A

The following employees listed by position and classification are covered by Schedule D

Position Title	Status	Civil Service Class	Term	Length
Animal Control Officer	Full	Competitive	CT	
Clerk of the Board of Supervisors	Full	Unclassified	F/TOB	1 yr
Code Enforcement Officer	Full	Competitive	CT	
Commissioner of Civil Service (3)	Part	Unclassified	F	6 yrs
Commissioner of Public Health	Part	Unclassified	CT	
Commissioner of Social Services	Full	Noncompetitive	F	5 yrs
Commissioner of Elections (2)	Part	Unclassified	AT	
County Attorney	Part	Exempt	F/TOB	
County Highway Superintendent	Full	Unclassified	F	4 yrs
County Historian	Full	Competitive	CT	
County Records Manager	Full	Competitive	CT	
Director of Aging & Youth	Full	Noncompetitive	AW	
Director of Fire & Emergency Management	Full	Noncompetitive	AW	
Director of Information Technology	Full	Competitive	CT	
Director of Community Services	Full	Noncompetitive	AW	
Director of Veterans Services	Full	Noncompetitive	F	2 yrs
Director of Planning and Development	Full	Noncompetitive	AW	
Director of Real Property Tax Services	Full	Noncompetitive	F	6 yrs
Director of Weights and Measures	Full	Competitive	CT	
Human Resource Director	Full	Noncompetitive	AW	
Medical Director	Part	Noncompetitive	AW	
Probation Director I	Full	Competitive	CT	
Public Defender	Part	Exempt	F/TOB	2 yrs
Public Health Administrator	Full	Competitive	CT	
Reimbursement & Budget Administrator	Full	Competitive	CT	
Supt. of Buildings & Grounds (CIP)	Full	Competitive	CT	
Supt. of Buildings & Grounds (Co. Bldgs.)	Full	Competitive	CT	
Workers Comp. Program Administrator	Full	Noncompetitive	AW	

Term: AT - Appointment Temporary
 AW – At Will
 CT - Continuous Term
 F - Fixed by law
 F/TOB - Fixed Term of Board

HEALTH INSURANCE

Full and part time employees with a salary of \$12,000 annually or greater are eligible to participate in the County's current health plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited.

The employer will pay 100% of the cost of single or family health insurance coverage for employees hired or appointed prior to 1/1/2014. Employees hired or appointed on or after 1/1/2014 will contribute 10% of the total premium. Premiums will be deducted over 24 pay periods per year on a pre-tax basis.

An employee who is eligible for health insurance and does not participate is eligible for a repudiation payment. Repudiation amounts are \$750 for Single coverage and \$1,000 for Family coverage. Proof of other insurance is required. The repudiation period is February 1 to January 31. Repudiation will be paid in the first paycheck of February following the date of hire.

DENTAL INSURANCE

Employees are eligible to participate in the current County Dental Insurance Plan. Two plans are available; a High Option or a Low Option. The employee will pay the total premium and it will be deducted over 24 pay periods per year on a pre-tax basis. For information on the Dental Insurance or to enroll in the plan, contact the County Insurance Office.

DISABILITY INSURANCE

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued sick time must be exhausted prior to receiving benefits under this plan. After sick is exhausted the employee may elect to use vacation, personal leave time or comp. time to supplement the plan and to provide the employee within 2% of a full week's wage. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee.

Part time employees are not entitled to NYS statutory disability benefits.

WORKERS' COMPENSATION INSURANCE

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

Employees who suffer a work related injury or illness must immediately notify their supervisor, and assist such supervisor in the completion of the necessary forms.

RETIREMENT

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

DEFERRED COMPENSATION RETIREMENT PLAN 457

Employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account. Information about this program can be obtained from the Human Resource Department.

TUITION REIMBURSEMENT

Full-time employees, with the specific prior permission of their “sponsoring” Board of Supervisors’ Standing committee and the Board of Supervisors’ Finance committee, may be eligible to receive tuition reimbursement up to 50% of the tuition and fees with an annual cap of \$2,500. The degree or specific courses (if not pursuing a degree) MUST be directly work related or lead to advancement opportunities within the county, and funds must be available and budgeted. In order to qualify for such reimbursement the employee must have obtained a grade of B or better. The employee must work for Wyoming County for three (3) years after completion of the degree. If an employee separates employment before the completion of three (3) years, all tuition reimbursement must be repaid to the county.

A tuition reimbursement request must be submitted and approved by the appropriate committees prior to classes being taken for full eligibility. A tuition reimbursement request voucher, along with proof of the grade and payment for the class(es) must be submitted to the Chairman of the Board of Supervisors for final approval.

PERFORMANCE EVALUATION

Employees will be evaluated annually by their department head or their supervising designee.

DISCLAIMER

The Schedule S Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule S. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In that regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet in its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.

APPENDIX A

The following employees listed by position and classification are covered by Schedule S

Position Title	Status	Civil Service Classification	Term	Length of Term
Administrative Assistant (DA)	Full	Competitive	CT	
Administrative Assistant (DSS)	Full	Competitive	CT	
Administrative Assistant	Full	Competitive	CT	
Administrative Assistant	Full	Competitive	CT	
Administrative Assistant (HR)	Full	Competitive	CT	
Animal Control Assistant	Part	Noncompetitive	CT	
Assessor	Full	Competitive	CT	
Asst County Historian	Part	Noncompetitive	CT	
Asst Director of Veterans	Part	Competitive	CT	
Asst. County Attorney (1 st)	Part	Exempt	AW	
Asst. County Attorney (2 nd)	Full	Exempt	AW	
Asst. County Attorney	Part	Exempt	AW	
Asst. District Attorney (1 st)	Full	Exempt	AW	
Asst. District Attorney (2 nd)	Full	Exempt	AW	
Asst. Public Defender (2 nd)	Part	Exempt	CT	
Asst. Public Defender (3 rd)	Part	Exempt	CT	
Building Inspector	Full	Competitive	CT	
County Fire Coordinator	Part	Competitive	CT	
County Planner	Full	Competitive	CT	
Deputy Budget Officer	Part	Noncompetitive	CT	
Deputy Clerk of the Board	Full	Unclassified	F\TOB	1
Deputy County Clerk	Full	Exempt	CT	
Deputy Commissioner of	Full	Unclassified	F\TOB	1
Deputy County Highway Supt.	Full	Exempt	AW	
Deputy Director of Aging	Full	Competitive	CT	
Deputy HR Director	Full	Exempt	AW	
Deputy Fire Coordinator PT	Part	Competitive	CT	
Director of Child Enf & Fraud	Full	Competitive	CT	
Director of Children & Family	Full	Competitive	CT	
Director of Environmental	Full	Competitive	CT	
Director of Nursing	Full	Competitive	CT	
Director of Programs	Full	Competitive	CT	
Engineering Technician	Full	Competitive	CT	
Exam Monitor				
Finance Clerk I	Full	Competitive	CT	
Finance Clerk 1 (Probation)	Full	Competitive	CT	
Fire Safety Inspector	Part	Competitive	CT	
Fiscal Administrator	Full	Competitive	CT	
Fiscal Director	Full	Competitive	CT	
Fiscal Officer I	Full	Competitive	CT	
Fiscal Officer	Full	Competitive	CT	
Handicapped Preschool	Full	Competitive	CT	
Human Resources Assistant	Full	Competitive	CT	

Human Resources Assistant II	Full	Competitive	CT	
Human Resources Clerk	Full	Competitive	CT	
Information Systems Admin.	Full	Competitive	CT	
Information Systems	Full	Competitive	CT	
Information Technology	Full	Competitive	CT	
Information Technology	Full	Competitive	CT	
Insurance Program Assistant	Full	Competitive	CT	
Jail Administrator	Full	Competitive	AT	
Medical Assistance	Part	Competitive	CT	
Network Administrator	Full	Competitive	CT	
Nurse Practitioner	Full	Competitive	CT	
Nutrition Service Coordinator	Full	Competitive	CT	
Payroll Specialist	Full	Competitive	CT	
Real Property Tax Service	Full	Competitive	CT	
Secretary I (DSS)	Full	Competitive	CT	
Secretary I (PT) (Public				
Secretary II (DSS)				
Secretary to the County	Part	Exempt	AW	
Secretary to the Co. Hwy	Full	Exempt	AW	
Secretary to the DA	Full	Exempt	AW	
Secretary to the Public	Part	Exempt	AW	
Secretary to the Sheriff	Full	Exempt	AW	
Tax Map Technician	Full	Exempt	AW	
Undersheriff	Full	Exempt	BA	

Term: AT-Appointment Temporary
AW-At Will
BA-By Assignment
CT-Continuous Term
F-Fixed by law
F/TOB- Fixed Term of Board

**WYOMING COUNTY
POLICY AND PROCEDURE**

EFFECTIVE DATE: September 12, 2018	REVIEWED BY: (Individuals/Committees) Human Resources	
DATE DEVELOPED:	PREPARED BY: John Ford, Deputy Director of HR	SUPERSEDES: Prior Sexual Harassment Policy
CHIEF EXECUTIVE OFFICER'S SIGNATURE:		REFERENCES: DHR/EEOC Regs and Related Law

POLICY: **Sexual Harassment Policy**

PURPOSE: Wyoming County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. Wyoming County has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Wyoming County commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with Wyoming County, or with a government agency or in court under federal, state or local antidiscrimination laws.

PROCEDURE:

1. This Wyoming County Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with Wyoming County.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Wyoming County has a zero-tolerance policy for such retaliation against

anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of Wyoming County who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee¹ working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or Human Resources. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

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

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

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

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to Human Resources.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

What Is “Sexual Harassment”?

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

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

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment. Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

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

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

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

Who can be a target of sexual harassment?

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

Where can sexual harassment occur?

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

What is "Retaliation"?

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

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

Protected activity occurs when a person has:

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

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. Wyoming County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is

encouraged to report such behavior to a supervisor, manager or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf. Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Human Resources.

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

Complaint And Investigation Of Sexual Harassment

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

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against. Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, Human Resources will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.

- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;

Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The final resolution of the complaint, together with any corrective actions action(s).

Keep the written documentation and associated documents in the employer's records.

Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.

Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Legal Protections And External Remedies

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

Aside from the internal process at Wyoming County, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR)

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

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

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

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov
Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

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

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

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

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law

exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

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

On September 7, 2018, Governor Cuomo signed legislation that amended Civil Service Law Section 75. Pursuant to the amendments, Section 75 now extends hearing rights (i.e., the right to written disciplinary charges and a hearing before imposition of a reprimand, fine, suspension without pay, demotion or termination) to “Labor Class” employees after five years of continuous service. This is the same protection that has previously been afforded to employees in the Non-Competitive Class after five years of continuous service and employees in the Competitive Class immediately upon permanent appointment. Prior to this amendment, Labor Class employees had no such protections unless they were veterans or exempt volunteer firefighters. The amended law is effective immediately. If you are a public employer and have any Labor Class employees who have completed five years of continuous service, they are now protected pursuant to Section 75.

To the extent that existing collective bargaining agreements already confer pre-discipline hearing rights to Labor Class employees, this amendment will make little, if any, difference. However, if there are Labor Class employees who have not previously had a contractual entitlement to pre-discipline charges or a hearing, this is a major change.

To the extent that public employers have any Labor Class employees who have fewer than five years of service and do not already have a contractual right under a collective bargaining agreement to pre-discipline charges and a hearing, this might be a good time to address any performance or conduct concerns through counseling and discipline before those employees become protected under Section 75. In addition, it may make sense to note the five-year anniversary date of all current and future Labor Class employees so that a decision regarding retention or termination can be made at the appropriate time before such employees achieve protected status.

Public employers should keep in mind that, even in the absence of a right to pre-discipline charges and a hearing, many collective bargaining agreements that cover Labor Class employees confer a post-discipline right to challenge discipline or discharge decisions through the grievance and arbitration process. Therefore, public employers should make sure that they can defend their discipline or discharge decisions under the applicable provisions of the collective bargaining agreement, even when employees are not protected under Section 75.