



# Town of Copake Policy Manual

Approved January 10, 2013

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## **I. PREFACE**

The Town of Copake considers that the first purpose of government is to protect the people's rights and maintains that our Constitution is the most fundamental document in this regard. Therefore, it is the Town intention that all of its policies and practices shall be consistent with the wording and meaning of the U.S. Constitution, New York State Constitution and Law, and Copake Town Code. In addition, the Policy Manual emphasizes the Town's several responsibilities for the safety and general welfare of its officers, employees, board members, committee members and citizens.

The Copake Policy Manual is written such that each of its major sections, indicated by roman numerals, stands alone. Since no section depends on or references any other section, each can be read, implemented and changed without consideration of the remainder of the document.

### **A. Objective**

To provide a summary of Town policy decisions to assist elected officials, appointees and employees to act in compliance with these requirements; to enable the Town Board to maintain a continual review of Town policy decisions and to ensure they are in keeping with Federal and State Law and the Town Code as well as with current community expectations and trends; and to enable residents to obtain immediate advice on matters of Town Policy.

### **B. Adoption and Review**

The role of the Town Board is to determine the local government's policies. Policies set a guiding direction for the management of the Town and establish a fair and cohesive approach to resolving issues. Policies help to ensure that fair and equitable decisions are made and that strategies are established and understood by all. This manual shall be reviewed, amended and approved by the Town Board periodically. Policies needing immediate review will be addressed as the need arises, and amendments will be inserted at the time of approval.

### **C. Application**

All Town elected officials, appointees and employees shall be issued a copy of manual. Each individual shall acknowledge receipt of the Policy by completing the signature page attached at the end.

Conduct of employees, officials, and appointees. To the extent that this Policy Manual prescribes or prohibits conduct by employees, officials, or appointees of the Town, failure of any such person to comply with the provisions of this manual constitutes misconduct and may be grounds for disciplinary action, including termination, to the extent and in the manner such person may lawfully be subject to such disciplinary action.

Official Action. With respect to official action of the Town or its officials, no act shall be found or made void on the sole basis that it was not executed in conformity with this Policy Manual, if such act was otherwise lawful and in compliance with Federal and State Law and with the Code of the Town of Copake.

## **II. ORGANIZATIONAL CHARTS**

Organizational charts are located in the Appendices of this policy manual.

## **III. CODE OF ETHICS**

All elected officials, appointees and employees of the Town of Copake shall be bound by the provisions of the Town Code of Ethics, as set out in Chapter 23 of the Code of the Town of Copake. Please take special note of the provisions of the Code as they relate to Standards of Conduct, Conflict of Interest and Whistleblower Policy.

## **IV. CONDUCT OF TOWN BOARD MEETINGS**

### **A. Presiding Officer**

The supervisor, when present, shall preside at meetings of the Town Board. In the absence of the supervisor, the deputy supervisor, if one has been appointed pursuant to NYS Town Law § 42, shall preside. Otherwise, the remaining board members shall designate a board member to act temporarily as presiding officer. (Sections 63 and 42 of the NYS Town Law.)

### **B. Action by the Board**

NYS Town Law, Section 63, provides as follows: “A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. The vote upon every question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the town board.

“The Board may determine the rules of its procedure, and the supervisor may, from time to time, appoint one or more committees, consisting of members of the Board, to aid and assist the Board in the performance of its duties.”

### **C. Meeting Schedule, Agenda, Minutes**

1. Town Board meetings shall be held monthly on the second Thursday evening of each month except for August, when the meeting shall be held on the second Saturday morning of that month.
2. The agenda of the Town Board meeting shall be established and posted in Town Hall at least five days prior to the scheduled Board meeting.
3. Minutes shall be recorded and made available in Town Hall within ten days of the meeting date and posted on the Town website within 10 days of their approval date.

## **D. Order of Business**

The Order of Business shall be flexible, and within the discretion of the Supervisor, but shall generally follow the order set forth below:

1. Call to Order and Pledge of Allegiance
2. Reading and approval of the minutes of the previous meeting. Reading of the minutes may be waived by a motion and majority vote of the Board.
3. Correspondence: Letters deemed significant to the conduct of business may be read by the Supervisor. All letters of resignation are to be noted, but not read unless the resigning person wishes to read his/her letter. Correspondence shall be attached to the minutes of the meeting.
4. Board, Committee or Commission head reports: Group heads shall report on the activity of his/her group. The head may designate another member of the group to report in his/her absence.
5. Board Member reports: Each Board Member shall report on any activities which he/she deems of significant interest to the public.
6. Budget Officer report: The Budget Officer shall report monthly on any significant deviations in the budget as well as the necessity for any balance transfers within the budget. Necessary balance transfers will be discussed by the Board and explained to the public prior to vote.
7. Introduction and consideration of new laws
  - a. Proposed laws and ordinances for which a public hearing has been held and concluded shall be introduced by the sponsoring member and read, followed by motions and voting.
  - b. New proposed laws shall be introduced and a working title and summary of their purpose and effect stated by the introducing member, followed by a motion and vote to hold a public hearing, if the Board so desires at that time.
  - c. Resolutions shall be introduced by the sponsoring member and read, followed by discussion, motions, and voting,
8. Old business: Matters considered at previous meetings may be further discussed to update the public on progress.
9. New business: New matters may be raised by any Board member for discussion by the entire Board.
10. General public comment: The Board will permit the audience to raise questions and comment in an open forum before the conclusion of each meeting. Any individual called on to address the Board shall first state his or her name. Questions will be directed to the Supervisor, who may choose to answer the question or defer to another Board member or person present. There will be no discussion or debate between members of the audience.

## **E. Resolutions**

All proposed resolutions to be voted on shall be provided in writing and attached to the scheduled meeting agenda five days prior to the meeting, unless the resolution is of an emergency nature. All resolutions to be voted on shall be read in their entirety after which a 15 minute question and comment period shall be open to the general public prior to the final vote. If modified, the resolution must be read in its final proposed form before vote.

## **F. Executive Session**

Use of Executive Session is governed primarily by section 105 of the NYS Public Officers Law. Executive Session is permitted only for the eight subject areas specified in such statute, as well as for any matter made confidential by Federal or State Law, including matters subject to attorney-client privilege, pursuant to NYS Public Officers Law section 108. In accordance with statute, the Board may adjourn to Executive Session upon a majority vote of the full board membership following a motion to conduct an Executive Session that identifies the general nature of the matter(s) to be considered in such Executive Session.

While section 105 of the NYS Public Officers Law is controlling and should be referred to, some common areas for which Executive Session is generally permissible include discussion of litigation; matters related to the employment, appointment, promotion, dismissal, or discipline of a particular person, or the medical, financial, or employment history of a particular person; collective negotiations; and matters that would imperil public safety if disclosed.

Upon the closing of the Executive Session, the Board shall reconvene to the general meeting and report on any decisions made with explanation.

## **V. CITIZEN PARTICIPATION**

### **A. Citizen Board, Committee and Commission Appointments**

The Town Board recognizes the importance of the services of citizen volunteers for many functions relating to governance of the Town including the important work done by the various permanent and temporary boards, committees and commissions established by the Town Board.

In the appointment of persons to these bodies as in all other areas, it is the intent of the Town Board to conduct its business in a manner that is fair, open and representative of the Town's residents. Therefore, the following policy guidelines for making appointments are established:

1. The entire membership of each board, committee and commission serves as the nominating committee for its new members with the exception of the Board of Ethics.
2. The nominating committee actively solicits the participation of citizens whenever a vacancy arises. This will include, but is not limited to, posting a notice of the position in the Town's official newspaper, in Town Hall and on the Town website.
3. Applicants will be required to submit a letter of interest to the relevant nominating committee in-person, by post or e-mail.

4. The nominating committee together with the Town Board, at each member's option, will review the qualifications of and interview all candidates. Upon completion of the review, the voting members of the relevant boards, committees, or commissions shall vote and send its candidate recommendation to the Town Board.
5. Appointments are made by a majority vote of the Town Board.
6. Standing and temporary boards, committee and commissions, on making member recommendations to the Town Board, shall be guided by the following policies:
  - a. An individual cannot serve on more than three boards, committees or commissions at any one time unless no other qualified applicant is available.
  - b. Only one member of a household should be appointed to serve on the same board, committee or commission unless no other qualified applicant is available. In this situation, only one family member can hold an officer position.
7. Appointments shall be for a term of no more than three years unless prescribed by law. Exclusion - Zoning and Planning Boards, which have a special appointment structure pursuant to State law.
8. Existing members shall reapply prior to the end of their term if they desire to be reappointed for another term.
9. Standing boards, committees and commissions appointed by the Town Board shall have the number of members determined by Town Code. Terms must be staggered among board, committee and commission members to maintain continuity, eliminating a situation where the entire committee is replaced at the same time.
10. The size, membership terms, and initial membership of temporary committees shall be determined by the Town Board.
11. The Supervisor shall appoint one Town Board member as a liaison as required by Town Code to each standing board, committee and commission. The Town Board may appoint a Board Member as a liaison to each temporary committee. Liaisons have full board, committee and commission rights except the right to vote. Liaisons have the primary responsibility to keep the Town Board and the board, committee or commission served informed of any and all matters relevant to each group's purpose and responsibilities.
12. It is the responsibility of each board, committee or commission Chairperson to establish sub-committees and task forces as deemed necessary for the parent group to discharge its responsibilities and to solicit, review and appoint from within the membership for same.
13. If a member of a board, committee or commission has three consecutive unexcused absences or six consecutive absences regardless of the reasons, the Town Board may, at the request of the board, committee or commission, remove such member.

## **B. Citizen Ombudsman**

Copake is intent on hearing about and resolving overlooked issues so that its citizens feel they are served without regard to outside or political interest. Therefore, the Town of Copake shall provide to its citizens a form of redress should citizens feel that issues important to the Town are not being properly addressed at the appropriate board, committee or commission level. Further, Copake is intent on providing a resource of appropriate and accurate information as needed by anyone interacting with Town government. To address both these aims, the Town Board will appoint an Ombudsman.



1. The Ombudsman will be obligated to advance all inquiries and/or complaints to the appropriate board, committee or commission and require a response within a reasonable period of time of thirty days. Any request by citizens to the Ombudsman for Town government information is expected to be answered within a reasonable period of time of 30 days.
2. To aid in these responsibilities, the Ombudsman shall have a mail box in Town Hall, an e-mail address listed on the Town website and will be available at the Town Hall upon request.
3. The Ombudsman shall issue an annual report to the Town Board on any issues raised and their resolution, if any, as well as any recommendations to avoid reoccurrence.
4. The Ombudsman appointment term shall be three years; the existing Ombudsman must reapply.

### **C. Freedom of Information (FOIL) Officer**

The Town's handling of requests to the Town of Copake for records is governed by NYS Public Officers Law Article 6, sections 84 - 90. Subject to such statute, the following provisions describe more specifically the Town's policies with respect to the handling of FOIL requests.

1. All requests to the Town of Copake for records under the Freedom of Information Law (Public Officers Law, Section 87) (FOIL) shall be in writing and shall be mailed, hand delivered or faxed to the Copake Town Clerk for recording and dating. Envelopes should be clearly marked "Freedom of Information Request". The Town will accept electronic requests, but such requests must be followed up by a signed, written copy. A log of requests will be maintained by the Town Clerk.
2. All requests should be identified on the face of the envelope as a FOIL REQUEST and, unopened if possible, shall be delivered to the mailbox of the FOIL Officer for review and response. In his/her absence, either the Town Attorney or the Town Clerk is permitted to review and reply. Requests received by department, board, or committee heads are to be delivered to the Town Clerk within one business day from receipt.
3. A copy of each request, as well as a copy of the reply, shall be delivered by the FOIL Officer to the Town Attorney. The initial response shall be in writing and shall be made within five business days of receipt of any such request. The initial reply shall be responsive and should, if possible, indicate when the requested files should be available at the office of the Town Clerk. If the FOIL Officer determines that the request can be fulfilled and circumstances delay disclosure for twenty additional days, a written statement is to be sent to the requester stating when the request will be granted.
4. The Town shall be entitled to charge fees for copies of the records not exceeding 25 cents per page, except with respect to records in excess of 8" x 14" or records that cannot be photocopied; in that event, the charge shall be the actual cost of reproducing the record.

### **E. Use of Town Facilities**

As part of its effort to have democratic practices prevail throughout the Town, the Town shall establish clear and constitutional guidelines governing the use of all Town facilities. The Town Board's guidelines have as their first purpose to provide all citizens equal rights to use all Town facilities. Any activities conducted on or in Town facilities by Town officials, their proxies (i.e., boards, committees or commissions) or outside rental groups or

individuals shall be conducted so as to give equal rights of access and visibility to all individuals and groups. The Town shall give no preferred publicity or physical location of any sort to any political party or interest group.

1. Use of the Town Hall shall be scheduled through the Town Clerk.
2. Use of the Lawrence O. Propper Community Center and Copake Memorial Park grounds shall be scheduled through the Booking Agent appointed by the Town Board. Building Use Rules and Regulations are available from the Agent. An executed Center Use Form, also available from the Agent, along with an appropriate fee and deposit against cleaning expenses, shall be returned to the Agent prior to the use date.

Town property and/or facilities shall not be used by anyone seeking personal financial gain. Town equipment is not to be removed from Town premises.

## **F. Community Outreach**

Citizen involvement is important to the enforcement of laws and maintenance of a healthy environment. Therefore, the Town welcomes participation from the community. Local organizations and students at Taconic Hills Central School should be encouraged to participate in Town activities that develop and implement health, environmental and ecological policies.

1. The Town Board may appoint a member or designee as liaison to the Taconic Hills Central School to develop a program that encourages student participation, with the student possibly earning course credit for participation.
2. Student participation on the Environmental and Conservation Committees and the Park Commission should be encouraged.
3. Observing Zoning Board of Appeals, Planning Board and the Town Board meetings would give students insight into local government and should be encouraged.
4. Liaisons may be appointed to any other community group seeking involvement.

## **VI. HUMAN RESOURCES**

Employment relations for public employees are governed by an array of Federal and State Laws. Subject to such controlling statutes, the provisions of this section describe the Town's policies with respect to personnel, employment, and the workplace, including conduct of employees, officials, and appointees in connection with carrying out Town duties and responsibilities.

When the provisions of this manual differ from those of the Town of Copake's Highway Department contract with the Teamsters Local 294, the most recent of which is dated November 10, 2010, then Highway Department employees are bound by the provisions of their contract, a current copy of which is available in the Town Clerk's office.

## **A. Hiring**

1. The Town shall advertise all vacant positions and any positions deemed necessary by the Town Board by posting a notice in the Town's official newspaper, on the Public Notice board in Town Hall and on the Town website.
2. Department Heads will review all applications and conduct interviews with candidates for paid positions under their authority. The Town Board will be invited to participate in the interviews to insure compliance with Town policy.
3. Candidates shall be hired on the basis of skills, experience, training, and personal background. There shall be no discrimination on the basis of race, ethnicity, religion, gender, sexual orientation, and/or disabilities that would not render them incapable of performing the duties specified in the job description. It is the intent of the Town Board that equal opportunity will be provided in all promotions, wages, benefits, and other privileges, terms, and conditions of employment.
4. The Department Heads shall forward to the Town Board for its approval the name, qualifications and recommendation for hire of the most qualified candidate.
5. Prior to final appointment, candidates selected for employment shall have their references consulted, and the Town of Copake shall conduct a criminal background check and an additional background check as deemed necessary. Employment candidates shall give the Town of Copake prior approval to contact their references and to perform a background check.

## **B. Employment Policy and Administration**

1. No more than one family member shall be employed per department. Existing employees shall remain until the end of their service. Such prohibition shall apply to spouses, parents, children, and siblings and members of the same household and their spouses. Exceptions to this policy must be approved by the Board. (This paragraph shall not apply to seasonal employment.)
2. Establishment of positions, abolition of existing positions, and changes to wage and hour schedules shall be approved by the Town Board.
3. All hourly employees must punch in and out on the Town's time clock, except in extraordinary circumstances. If an hourly employee leaves the premises on unofficial business, he/she must clock out and in again.
4. Meetings, conferences and training, when approved by the Department Head and Supervisor shall be considered paid work hours.
5. Annual training required of Planning and Zoning Board of Appeal members must be approved by the Town Board.
6. Overtime: Overtime is governed by the Federal Fair Labor Standards Act (FLSA) and the NYS Labor Law.
7. Grievances are to be handled in accordance with NYS General Municipal Law, Section 683:
  - a. Every public employee shall have the right to present his/her grievance to his/her employer in accordance with the provisions of Article 15-C of the NYS General Municipal Law, free from interference, coercion, restraint, discrimination or reprisal, and shall have the right to be represented at all stages thereof.

- b. It is the responsibility of supervisors at all levels, commensurate with the authority delegated to them by their superiors, promptly to consider and take appropriate action upon grievances presented to them by employees under their supervision.
- c. The head of each department or agency of government shall take such steps as may be necessary to give effect to the provisions of Article 15-C of the NYS General Municipal Law.

## **C. Benefits**

Except as specified below with respect to the eligibility of the Town Clerk/Tax Collector and Highway Superintendent to receive health insurance benefits and of all elected officials and employees to participate in the New York State Retirement System, application of the FMLA, and as may otherwise be required by law, only non-elected Town employees employed on a 40 hour per week basis are eligible for benefits. Subject to the above exceptions, throughout this “Benefits” section, the terms “employee” and “full-time employee” refer to non-elected employees employed on a 40 hour per week basis. A “part-time employee” is a person employed on the basis of fewer than 40 hours per week.

### **1. Health Insurance**

- a. Full time employees are eligible for health insurance after six months of continuous full time employment. This time period may be waived for any person receiving health insurance benefits coverage from the Town who transfers from one eligible position to another.  
  
The Town Clerk/Tax Collector and the Superintendent of Highways are eligible immediately upon taking office.
- b. The Town of Copake shall pay 100% for individual health insurance coverage for the employee and 75% for family coverage for any employee hired or made a full-time employee after January 1, 2011. The Town shall pay 100% of both individual and family health coverage for any Town Clerk or Superintendent of Highways who first held such office on or prior to January 1, 2011. The Town of Copake shall pay 100% for individual health insurance and 75% for family coverage for any Town Clerk or Superintendent of Highways taking such office for the first time after January 1, 2011.
- c. In lieu of an eye glass rider, the Town shall reimburse covered employees and officials up to \$150 per year per family member towards the cost of eye exams, glasses or contacts.
- d. Any employee or official who opts out of the Town’s Health Insurance Program shall receive \$2,500 per year for an individual plan or \$4,500 per year for a family plan.
- e. The Highway Superintendent may waive the six month waiting period for an employee’s health insurance to begin if the employee is transferring from another department within the Town or from another municipality.
- f. Retired personnel. After twenty-five years of service with the Town, the Town will pay 75% of the health insurance premium of the employee and family; after thirty years of service, the Town will pay 90% of the cost of this coverage. For purposes of this paragraph, time served shall include time employed on a 40-hour per week basis and time served in the position of Town Clerk or Highway Superintendent. If the employee who is receiving benefits or who is working dies, this benefit will be provided to the family for a period of two years or until the spouse remarries, whichever occurs first. The above notwithstanding, when a retired

person who is receiving medical insurance benefits as set forth above becomes eligible for Medicare, the Town shall no longer provide medical insurance benefits, but instead, shall provide Medicare Supplemental Coverage.

## **2. Pension – New York State Retirement System**

- a. Joining the NYS Retirement System is optional for all elected officials and employees, whether full-time or part-time.
- b. If an employee retires under the NYS Employees' Retirement System or retires and collects Social Security, an employee may convert their unused sick leave to a cash equivalent to be used by the Town for payment of his/her health insurance premium. The cash equivalent shall be computed at the rate for the position that the employee held at his retirement per unused sick leave days.
- c. At retirement, accumulated sick days up to 200 may be added to the employee's length of service.

## **3. Sick Leave**

- a. Accumulation:
  - i. Full time employees are eligible for six sick days per year. Any employee that has not used any sick time during the preceding year shall be credited with two additional sick days.
  - ii. Sick days may be accumulated to a maximum of 200 days.
- b. Conversion of Sick Days to Wages - Full time employees shall be entitled to convert accumulated sick leave days to wages in blocks of ten days subject to the following regulations:
  - i. For every ten days converted, employees will be compensated for five days at the current rate.
  - ii. Employees must maintain a minimum of twelve accumulated sick days after the conversion.
  - iii. Employees shall notify their superior in writing of their intent to convert sick leave at least thirty days in advance. Payment for the days converted shall be included in the first regular payroll after the thirty days have elapsed.
- c. Sick Leave of Absence
  - i. The Town may require a physician's certificate for any absence of more than three consecutive days. Where the illness or disability is of an extended duration, a physician's certificate shall be required for each thirty days of continuous absence. In any case, the Town may require an examination by a physician of the Town's choosing and at the employee's expense. Employees shall not be reimbursed for mileage in connection with this provision.
  - ii. Where an employee has demonstrated a pattern of sick leave use, the employee shall be counseled by a representative of the Town, and shall be notified in writing that the employee may be required to provide a doctor's certificate for each absence if the pattern of sick leave continues.

## **4. Personal Time**

- a. Full time employees shall be eligible for three personal leave days per year.
- b. Personal leave days shall not be carried over to the following year.
- c. The employee shall make every effort to request personal leave at least 24 hours in advance.

**5. Vacation Time**

a. Full time employees earn paid vacation based on years of service with the Town of Copake as follows:

After one year of service	1 week vacation
After two years up to ten years of service	2 week vacation
After ten years up to fifteen years of service	3 week vacation
After fifteen years and longer	4 week vacation

b. Vacation time shall not be carried over from one year to the next.

c. When an employee leaves service to the Town of Copake, he/she is entitled to compensation for any unused vacation time. An employee terminated for cause shall not be eligible for compensation of unused vacation time.

**6. Holidays**

a. Full time employees are entitled to the following 11 paid holidays: New Year’s Day, Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and the day after, and Christmas Day.

b. Holidays falling on Saturday will be observed on the preceding Friday, and holidays falling on Sunday will be observed on the following Monday.

**7. Maternity Leave**

In accordance with the Federal Pregnancy Act of 1978, pregnancy is to be considered a disability and therefore will be extended the same benefits and be subject to the same policies as any disability.

**8. Military Leave**

a. Training:

- i. Any full-time employee called for Armed Forces Reserve shall be excused from work for the duration of his service.
- ii. The employee shall receive the difference between his/her regular pay and his/her reservist pay provided that the employee presents an official statement of reservist pay received. The differential shall apply only to the normal scheduled work period.
- iii. The employee shall continue to accrue benefits during absence, except for reserve service duration longer than two weeks.
- iv. In instances of National Mobilization, accrued benefits shall continue up to thirty days.

b. Active Duty

- i. A full-time employee shall be granted a formal leave of absence without pay for periods of extended active duty. A copy of military orders directing this duty shall be filed with the Town supervisor and placed in the employee’s personnel file.
- ii. The employee must make application for reinstatement upon release from active duty within the period specified by current federal law if he/she seeks re-employment.

## **9. Leave of Absence - Other than Sick Leave**

- a. Employees may request of their immediate supervisor, in writing, a leave of absence for up to one month and renewable for up to three months, subject to Town Board approval. Except as provided below, a leave of absence shall be without pay.
- b. Employees may utilize any accumulated vacation or personal leave days for a leave of absence with pay up to the accumulative leave granted. If the reason for the leave is the employee's illness or that of an immediate family member, then accumulated sick leave may be used; however, the employee must obtain a doctor's certificate as set forth in paragraph 4, above.

## **10. Family and Medical Leave Act of 1993 (FMLA)**

It is the policy of the Town of Copake to meet the requirements of the Family and Medical Leave Act of 1993.

## **11. Jury Duty**

Jury Duty is considered a mandatory service to the community, state and nation and is of such infrequent nature that employees are not to be penalized. Length of jury service shall be determined by the applicable court.

Compensation paid shall equal the full-time employee's base salary for the period in question, less any payments received from the applicable court for such service, not to exceed one week's pay for the normal work schedule. The employee shall present an official statement of pay received from the court.

## **D. Travel**

1. The Town vehicle shall be used for official Town business.
2. Use of the Town vehicle shall be scheduled in advance through the Town Clerk.
3. A log book shall be kept in the Town vehicle. Every time the vehicle is taken on the road, the trip shall be recorded in the logbook including: date, time out, destination, purpose of the trip, mileage, and time the vehicle is returned to the Town Hall.
4. Employees that use their own vehicle when the Town vehicle is available shall not be reimbursed for mileage.
5. Employees that use their own vehicle when the town vehicle is not available, for town business may be reimbursed at the current IRS rate for mileage, subject to the approval of the Town Supervisor.
6. Reimbursement shall not include mileage from the employee's home to work or return home. All distances shall be computed from the employee's place of work to destination and return to place of work.
7. In the event that an employee leaves directly from home to travel for Town business and this distance is shorter than from the place of work to the destination, the employee shall be reimbursed for the lesser mileage.
8. All requests for mileage reimbursement shall be made on the appropriate voucher, available from the Town Clerk, and shall include: date of travel, destination, purpose of the trip and round trip mileage. The Voucher shall be signed and dated by the employee and approved by the employee's supervisor.
9. Seat Belt Policy:

- a. All Town employees are required to wear seat belts while operating or riding in any vehicle while on Town business.
  - b. In addition, passengers in vehicles operated by the Town while on town business are required to wear seat belts. Unauthorized passengers are prohibited at any time.
  - c. This requirement shall not apply to vehicles in which the manufacturer has not installed seat belts.
  - d. Town employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.
  - e. Employees found violating this policy may be subject to disciplinary action.
10. All employees must submit a copy of their driver's license to the Town Clerk in order to be enrolled in the NYS License Event Notification Service (LENS).

## **E. Drugs, Alcohol and Smoking**

**1. Drugs** (The policy of the Town with respect to drugs is set out in the Town Code, Chapter 22, and the entirety of such chapter is applicable and controlling. The following is only a summary of key provisions.)

- a. The unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited on the job, at the workplace or on properties under the jurisdiction and control of the Town of Copake.
- b. Employees may be subject to civil, criminal and disciplinary penalties, including dismissal from employment, for failure to observe this policy.
- c. All employees are hereby notified that, as a condition of employment, employees are required to:
  - i. Abide by the terms of the Town drug policy, as set out in Chapter 22 of the Copake Town Code.
  - ii. Notify the Town Attorney of any criminal drug statute convictions for a violation occurring in the workplace no later than five days after the employee's conviction.
- d. An employee convicted of a drug violation occurring in the workplace may be subject to a personnel action, including termination, or may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program.
- e. In addition to complying with the provisions of Chapter 22 of the Copake Town Code, no Town employee, appointee, or official shall unlawfully consume or be under the influence of any unlawfully consumed controlled substance during such person's work hours or at such person's workplace, or while conducting Town business in any public place, building, or property under the jurisdiction and control of the Town of Copake.

## **2. Alcohol** (Town Code, Chapter 80)

No Town employee, appointee, or official shall consume or be impaired by the consumption of any alcoholic beverage during such person's work hours or at such person's workplace, or while conducting Town business in any public place, building, or property under the jurisdiction and control of the Town of Copake.



### **3. Smoking**

The use of tobacco in all its forms is a health hazard both to the user and those in the vicinity of the user. Therefore, smoking and spitting of tobacco products is prohibited on or in all properties (including vehicles) under the jurisdiction and control of the Town of Copake. The Town is also governed in this regard by the amended New York State Clean Indoor Air Act (Public Health Law, Chapter 45, Article 13-E), which prohibits smoking in virtually all workplaces, including restaurants and bars.

## **F. Sexual Harassment**

The Town of Copake recognizes sexual harassment as a form of employee misconduct. It constitutes impermissible behavior whether committed by an employee, official, or appointee.

### **1. Definition**

Under the United States Equal Opportunity (EEOC) guidelines, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to the conduct is either an implicit term or condition of employment.
- b. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct; or the conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile or offensive work environment.

The EEOC, on September 23, 1980, amended its guidelines on sex discrimination to establish that sexual harassment is a violation of the Title VII of the Civil Rights Act of 1964. The EEOC guidelines hold employers accountable for sexual harassment by supervisory personnel, between fellow employees and by non-employees where the employer knows or should have known about such conduct.

**2. Town Policy** (In addition to the EEOC guidelines, Town employees, officers, and appointees are subject to the provisions of the Copake\_Town Code, Chapter. 23-8 H)

- a. An officer or employee may under no circumstances propose or enter into a romantic and/or sexual relationship with a subordinate.
- b. An officer or employee shall not engage in any unwelcome sexually suggestive behavior, either physical or verbal, with other employees or officers and especially with subordinates; nor will they post and/or disseminate sexually implicit material; or in other similar ways contribute to the establishment of a hostile work environment.
- c. No officer or employee responsible for the hiring and/or promotion of other officers and employees may suggest explicitly or implicitly that employment or advancement would be contingent upon providing sexual favors.

### **3. Training and Prevention**

Training for appropriate staff in each department shall be given on the identification of sexual harassment, how to process complaints and the role and responsibility of supervisory personnel in the prevention of sexually harassing incidents by the Town of Copake.

#### **4. Complaints**

a. Rights of redress. The Town of Copake recognizes sexual harassment as a form of employee misconduct and provides affected personnel with rights of redress and complaint resolution channels for incidents of sexual harassment. Complaints should be brought by the victim of the sexual harassment to the complaining person's immediate supervisor or department head, or, if necessary in the judgment of the complaining person, to the Town Supervisor. Complaints may also be made to either the New York State Human Rights Division or the United States Equal Employment Opportunity Commission.

b. Filing of complaint. In the event a complaint cannot be satisfactorily resolved by agreement among the parties and the appropriate superior(s), which may involve disciplinary action, the complaining person shall prepare a written statement of complaint setting out the allegations constituting sexual harassment and shall present such complaint to his or her department head. If the department head is alleged to be involved in the harassment, or if the accused person is a town officer or appointee, then the complaint shall be filed with the Town Supervisor. If the Supervisor is alleged to be involved, then the complaint may be filed with any member of the Town Board.

#### **5. Investigation, Adjudication, and Enforcement**

a. Investigation of Complaint. The person with whom the complaint is filed, or, if filed with a member of the Town Board, a person designated by the Town Board, shall provide a copy of the complaint to the accused person and promptly conduct an investigation into the complaint, provided, however, that upon request of the person with whom the complaint was filed, the Town Board shall appoint a different individual to conduct the investigation. The investigator's report shall objectively examine and address the particular facts alleged in the complaint and the context in which the incident(s) occurred, but shall not make or recommend a conclusion as to guilt or innocence.

b. Hearing and determination. Upon completion of the investigation and reasonable notice to the parties, a hearing on the complaint shall be held. The hearing shall be presided over by the Town Supervisor, except that if the Supervisor is alleged to be involved in the harassment, is the person conducting the investigation, or is otherwise unable to preside, then the Town Board shall designate the hearing officer. At the hearing, the investigative report shall be presented and the complainant and the accused person may testify, offer evidence, and present witnesses. The accused person shall be entitled to confront and cross-examine the employee who filed the complaint, and any person who testifies shall be subject to cross-examination by either party. At the conclusion of the hearing, or within ten days thereafter, the Supervisor or hearing officer shall issue to the parties a determination of the complaint.

A finding of guilt must be supported by a preponderance of substantial, credible evidence that:

- (1) The facts alleged by the complainant are true; and
- (2) Those facts constitute sexual harassment within the meaning of this policy; and
- (3) The accused is the person who committed the act(s) of sexual harassment.

c. Appeal. Any party aggrieved by the final determination of the hearing officer shall be entitled to a rehearing before the Town Board, which Board shall follow the procedures for hearing and determination set forth above. A request for a rehearing shall be made in writing and filed with the Town Clerk within fourteen days of the original determination. In the event that the Supervisor or any Board member served as the hearing officer whose decision is being reviewed, he or she shall not participate in the rehearing process. A

majority vote of the persons conducting the rehearing shall be required to reverse, overturn, or modify the determination made at the original hearing.

d. Sanctions and disciplinary action. A determination that the accused person committed sexual harassment shall be grounds for disciplinary action commensurate with the degree and nature of the offense, including termination if warranted, to the extent and in the manner such person may lawfully be subject to such disciplinary action.

e. Retaliation prohibited. Retaliation against anyone, because he or she has filed a harassment complaint, is illegal and grounds for disciplinary action. Retaliation, intimidation, coercion, or discrimination against any person who in good faith files a sexual harassment complaint, provides evidence or testimony, or otherwise conducts, assists, or aids the investigation or determination of sexual harassment is prohibited.

f. Conflicts. No person accused in the complaint shall act as investigator or hearing officer or participate in the determination on appeal, nor shall any person accused in the complaint participate in a vote to designate an investigator or hearing officer.

g. Confidentiality. To the extent legally permissible, and subject to the needs of the investigation, hearing and determination, and disciplinary action, information obtained in the course of investigating or determining alleged sexual harassment shall be kept confidential.

h. Posting of policy. This policy shall be posted in the Town Clerk's office and the highway garage.

## **G. Workplace Violence Prevention Policy & Incident Reporting**

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

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that *is* designed to identify the workplace violence hazards our employees could be exposed to. Other tools that *are* utilized during this process include establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in *a periodic* Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Copake has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Copake *will* provide counseling services or referrals for employees.

All Town of Copake personnel are responsible for notifying their designated contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

## **VII. FINANCIAL**

### **A. Procurement**

Procurement of goods and services will be done in conformity with Chapter 51 of the Code of the Town of Copake and applicable New York State Law.

### **B. Credit Card Policy**

The Town of Copake maintains a policy that any Town credit cards *shall only* be used in instances where purchases are unable to be completed through normal vendor relationships. Credit cards shall be the individual responsibility of the Town Supervisor.

- a. Except for the gas credit card, anyone using any Town credit card must obtain prior approval from the Town Supervisor or, in his or her absence, the person delegated that responsibility. The receipts shall be submitted to the bookkeeper.
- b. When the gas card is used by any department, including the Highway Department, the receipt must be signed by the user and submitted to the bookkeeper.
- c. The bookkeeper shall submit to the Town Board for approval a reconciled monthly credit card statement with supporting receipts in a timely manner so as to not incur any finance charges or other penalties.

### **C. Donations**

Donations, in any amount, shall not be accepted by the Town from individuals or organizations with whom the Town is in litigation or considering applications or proposals for zoning variances, subdivisions, site plan approvals, contracts, employment, or any other action which might be influenced, or might appear to be influenced, by the acceptance of such donation. This does not apply to hunting and fishing licenses or other routine “in compliance” permit applications.

### **D. Financial Reporting**

Financial Reporting serves as the link between a local government’s financial information and the government’s numerous, varied users they are designed to serve. Section 30 of the General Municipal Law of the State of New York requires every municipal corporation to annually make a report of its financial condition to the Comptroller. The report shall be made and certified by the chief fiscal officer, the Town Supervisor in Copake, and be filed within 60 days after the close of the fiscal year, December 31, in Copake. The report is a fund-by-fund presentation in a format prescribed by the New York State Accounting and Reporting Manual: <http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#arm>.

## **1. Annual Budget**

Based on submission of estimates submitted by department heads and committee chairs by September 20, the tentative annual budget is prepared by the Town Budget Officer and filed with the Town Clerk by September 30 of each year. The tentative budget must then be presented to the Town Board by October 5, at which time any revisions are made. The tentative budget then becomes the preliminary budget, which is filed with the Town Clerk and copies are made available to the public. After public notice at least five days prior, a public hearing on the preliminary budget is held by the Town Board, which hearing can be adjourned up to November 15. The preliminary budget can then be amended and shall be adopted by resolution of the Town Board no later than November 20. The Town Clerk then files copies with the County.

## **2. Annual Accounting by Town Officers and Employees**

- a. On or before the 20th day of January, each person, who as a Town officer or employee received or disbursed any moneys in the previous fiscal year, shall account with the Town Board for such moneys and shall produce all supporting books, records, receipts, warrants, vouchers and cancelled checks or check images as authorized by Sect. 99-b of the General Municipal Law. No member of the Town Board shall sit as such when any account in which he is interested is being audited.
- b. In addition, the Town Board shall examine the criminal and civil dockets of each Town Justice and shall cause to be entered in the minutes of its proceedings that such dockets have been duly examined and that the fines and fees therein shown to have been collected have been turned over to the proper officials as required by law.
- c. Each Town officer, employee and appointee, including the Parks Commission Chair, and excluding the Town Justices, at the time of submitting his/her books and records, shall file with the Town Board a statement in writing showing his receipts and disbursements for the fiscal year. Such statement shall be in detail and shall be entered in the minutes of the meeting by the Town Clerk.
- d. The provisions of this section requiring an annual accounting and the submission of books and records by all Town officers and employees to the Town Board shall not apply if Copake has retained a Town Comptroller or prior to the 20th day of January, shall have engaged the services of a certified public accountant or public accountant to make an annual audit to be completed within 60 days after the close of the Town's fiscal year.
- e. Notwithstanding anything herein contained, the Town Board, at any time, may require any Town officer or employee to submit to the Board or to such certified public accountant or public accountant for examination his books, dockets, records, receipts, warrants, vouchers and cancelled checks or check images as authorized by Sect. 99-6 of the General Municipal Law.

## **3. Agency Funds**

Agency Funds are assets held by the Town in a custodial capacity. It is the policy of the Town to maintain oversight of these assets in order to ensure their proper administration. When the Town requires a deposit of funds to ensure performance and/or payment of an obligation, the obligation is described in a signed written agreement.

In order to ensure proper administration and monitoring of these funds, it is the policy of the Town to require the following:

- a. The agreement shall be entered into by the department head and the provider. Funds shall be released as described in the agreement. Requests for release of funds shall be approved in writing by the department head and then sent to the bookkeeper for processing.
- b. The Budget Officer shall provide to the Town Board at its December meeting, a summary of the Agency Fund agreements for which the Town holds funds and the status of each Fund balance as of the meeting date.
- c. An addendum to the Town's Annual Audit shall include a summary of the Agency Fund agreements for which the Town holds funds and the status of each Fund balance as of the audit date.

#### **4. Annual Audit Policy**

The Annual Fiscal Audit of the Town of Copake is required to ensure fiscal responsibility and prudence in the stewardship of the monies of the taxpaying public in the township. The Annual Audit will be conducted by a Certified Public Accountant, and the scope of the Audit will include, but not be limited to the following, subject to Generally Accepted Accountancy Practices:

- a. Review and evaluate the soundness, adequacy and application of accounting, financial and other operating procedures to promote effective controls at reasonable costs.
- b. Review and test compliance with statutory, regulatory, and internal policy requirements.
- c. Determine the extent to which resources are used efficiently and effectively.
- d. Evaluate the timeliness, reliability, and usefulness of institutional records and reports.
- e. Determine the extent to which assets are accounted for and safeguarded from loss.

Upon completion of the Annual Audit, the findings will be documented in a management letter that will be sent to the Town Supervisor and each Town Board Member upon completion of audit. The completed report shall be made available to any person requesting a copy.

#### **5. Audit Review**

In addition to the Annual Financial Audit described above, the Town may hire an outside CPA to review the previous three years of annual audits, as it deems necessary.

#### **E. Online Transfers**

The Town of Copake performs transfers among accounts at one bank. It does not pay bills online or do other types of online transactions. The online transfer agreement with the bank must comply with statutory requirements in General Municipal Law (GML) section 5-a. The ability to execute online transfers should be restricted to employees in the Supervisor's office. Authorization of any person other than the supervisor to make online transfers or otherwise utilize online banking services should be granted by approval of a majority of town board members who cannot execute transfers or handle cash in any other capacity.

## **F. Payroll Policy**

Town officers having direct supervision of employees shall certify that the services indicated on the payrolls were actually performed and employees are paid at Town Board approved rates for their services.

The payroll processing company should return payroll checks to the Town unsigned. The Supervisor should sign payroll checks after the checks have been compared to the payroll registers.

(See procedure in Appendices)

## **G. Fuel Billings**

Fuel billings should be accurate, timely, posted to the receivables account and collected in an efficient manner. The Board should formally assign responsibility for monitoring fuel account balances.

(See procedure in Appendices)

## **H. Claims Processing**

The Board should develop detailed procedures to guide and govern the processing of claims against the Town. Procedures should require that all claims be sufficiently supported and properly approved prior to payment.

(See procedure in Appendices)

# **VIII. EMERGENCY MANAGEMENT**

The Supervisor of the Town of Copake is responsible for the conduct of disaster operations within the Town. The Supervisor shall use any and all facilities, equipment, supplies, personnel and other resources of the Town as may be necessary to respond to an emergency situation.

The Supervisor shall direct the activities of all agencies within the Town against the effects of an emergency in conformance with the approved plans for the rescue and relief of its residents, a recovery and the rehabilitation of the community. The Supervisor will use the services of the Emergency Operations Center and its staff for implementation of necessary measure to manage the emergency operation.

# **IX. INFORMATION TECHNOLOGY**

## **A. Computer Backups**

### **1. General**

The Town of Copake has subscribed to Carbonite, a remote backup service, to backup their financial system and general operating computers Data is encrypted and individual files can be restored quickly. In the event of a catastrophic failure, backed up files can be shipped on a portable hard drive.

The financial system (BAS) is backed up daily to Carbonite.

The Tax Collector system is backed up daily to BAS.

The Court system backup is the responsibility of the Unified Court System.

## **2. Carbonite Backup Testing**

Bi-weekly the town clerk will check to see that the remote backups are executing as scheduled for the financial system and miscellaneous employee files. At least annually the Town Clerk will test each computer to assure that backup files will restore properly.

## **3. Financial System Testing**

The financial system (BAS) backup must be tested by the software vendor. At a minimum the software vendor should test the backup after each major software upgrade. To validate the results the budget officer will run top level financial reports on the active version and the backup restored version and compare the results.

## **B. Breach of Notification**

### **1. Risks**

The records most at risk for loss of personal information include hardcopies of employee records, hardcopies of town clerk records and vendor records in the financial system.

### **2. Risk Avoidance**

The Town Clerk will delete obsolete records with confidential information that need no longer be maintained on the main system and store on securely stored media if necessary to meet FOIL requirements.

### **3. Response**

If a breach of private information is discovered the Town Clerk will notify all affected parties in writing.

## **C. Remote Access**

Individuals can only be provided remote access as approved by the Supervisor in writing.

Remote access must be granted using remote access software, e.g. Log Me In, which is licensed to the Town. Remote access may not be granted on the accessing party's remote access software license. Employees are not allowed to use personal software to log into town computers.

## **D. Virus Protection**

Self updating virus protection must be installed on all computers.

## **E. Technology Resources User Access Policy**

Technology resources are key assets of the Town of Copake. They are essential to the performance of Town business and are a part of the daily work of most employees. The Technology Resources User Access Policy in



the Appendices to this policy manual sets standards for the use and protection of data and information in these technology resources. The policy applies to all employees of the Town as well as to any other individuals, including consultants, interns, temporary employees and vendors (collectively “other Users”) who have authorized access to these technology resources. It shall be the responsibility of every employee and other User of Town Technology Resources to know and comply with this policy, and to sign the User Acknowledgement and Acceptance form.

## **X. AMERICANS WITH DISABILITIES ACT**

It is the policy of the Town of Copake to meet the requirements Title II of the Americans with Disabilities Act as it applies to State and local governments, including towns and townships. The Act prohibits discrimination on the basis of disability in all services, programs and activities provided by towns.

The Town of Copake will comply with the Act as interpreted in the ADA Guide for Small Towns dated April, 2000.

The Town Code Enforcement Officer will be the designated ADA Compliance Officer.

# APPENDICES

## A. Town of Copake Policy Manual Employee Signature Form

I, \_\_\_\_\_,

*(Print name.)*

have received a copy of the Town of Copake Policy Manual.

Name of relatives currently employed by the Town of Copake:

_____	_____	_____
Name	Relation	Department

_____	_____	_____
Name	Relation	Department

_____	_____	_____
Name	Relation	Department

_____	_____	_____
Name	Relation	Department

_____	_____
Signature	Date

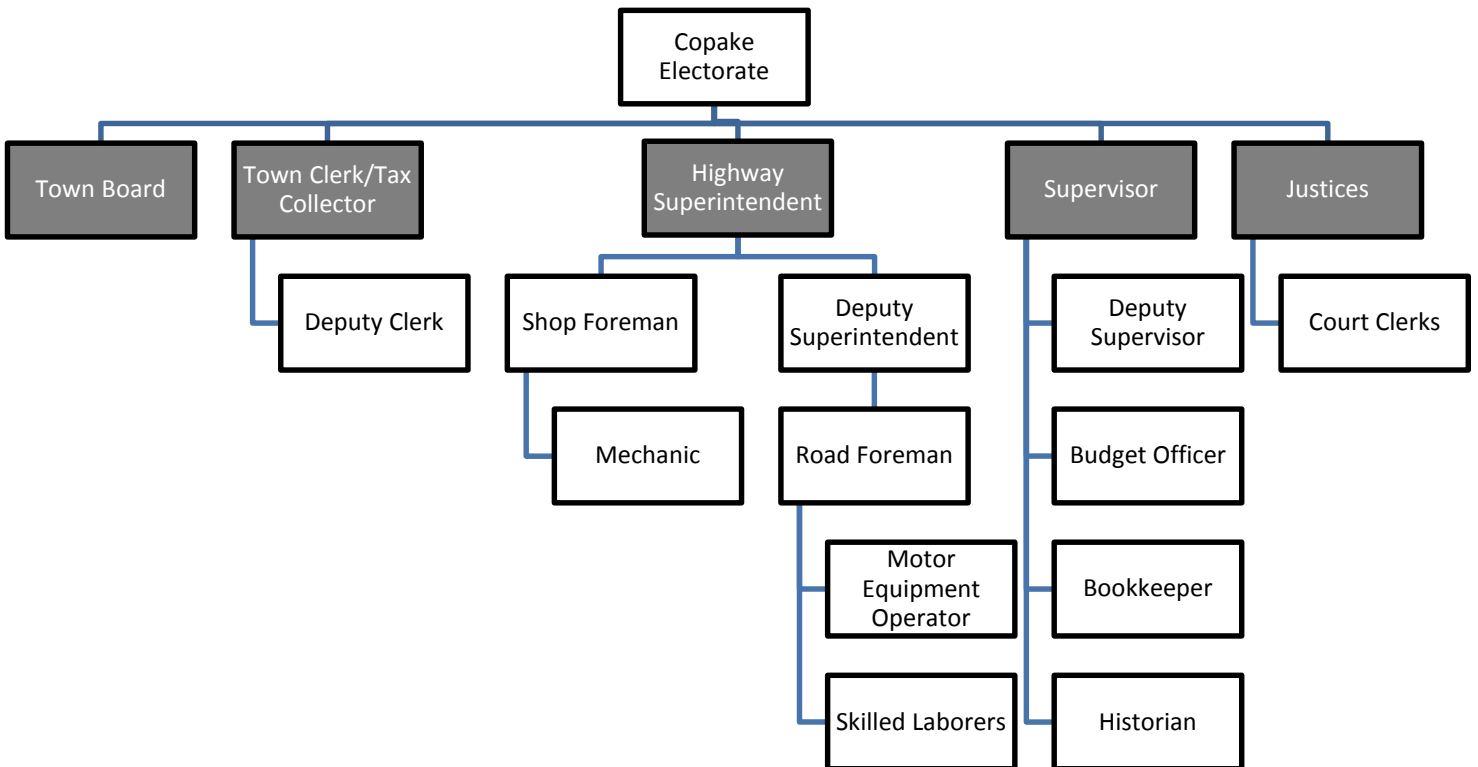
\_\_\_\_\_

Town Clerk

## B. Elected Positions Organization Chart

As of December 9, 2012

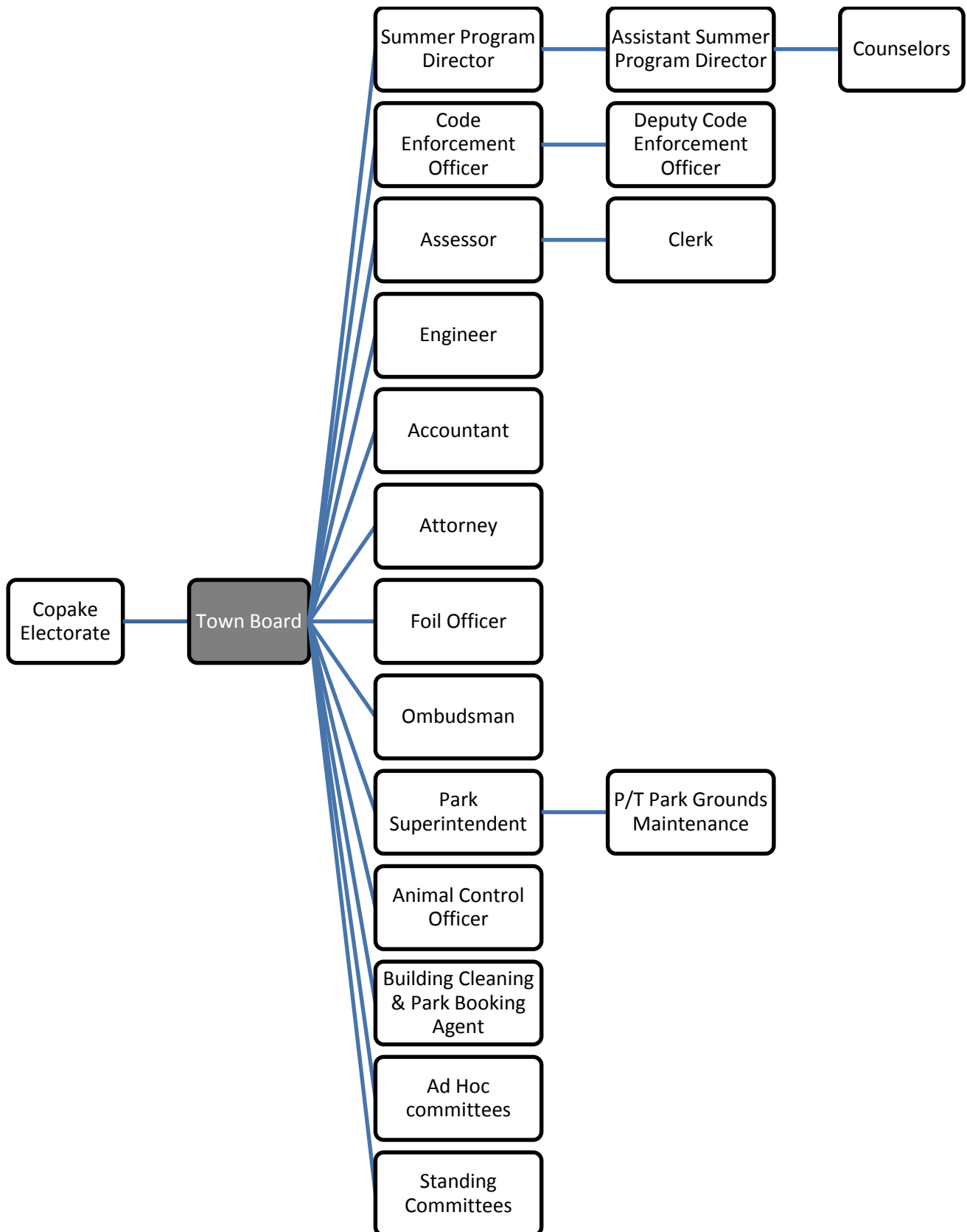
Elected Positions (in gray) and Appointments of Justices, Town Supervisor, Town Clerk and Highway Superintendent



# C. Town Primary Organization Chart

As of December 9, 2012

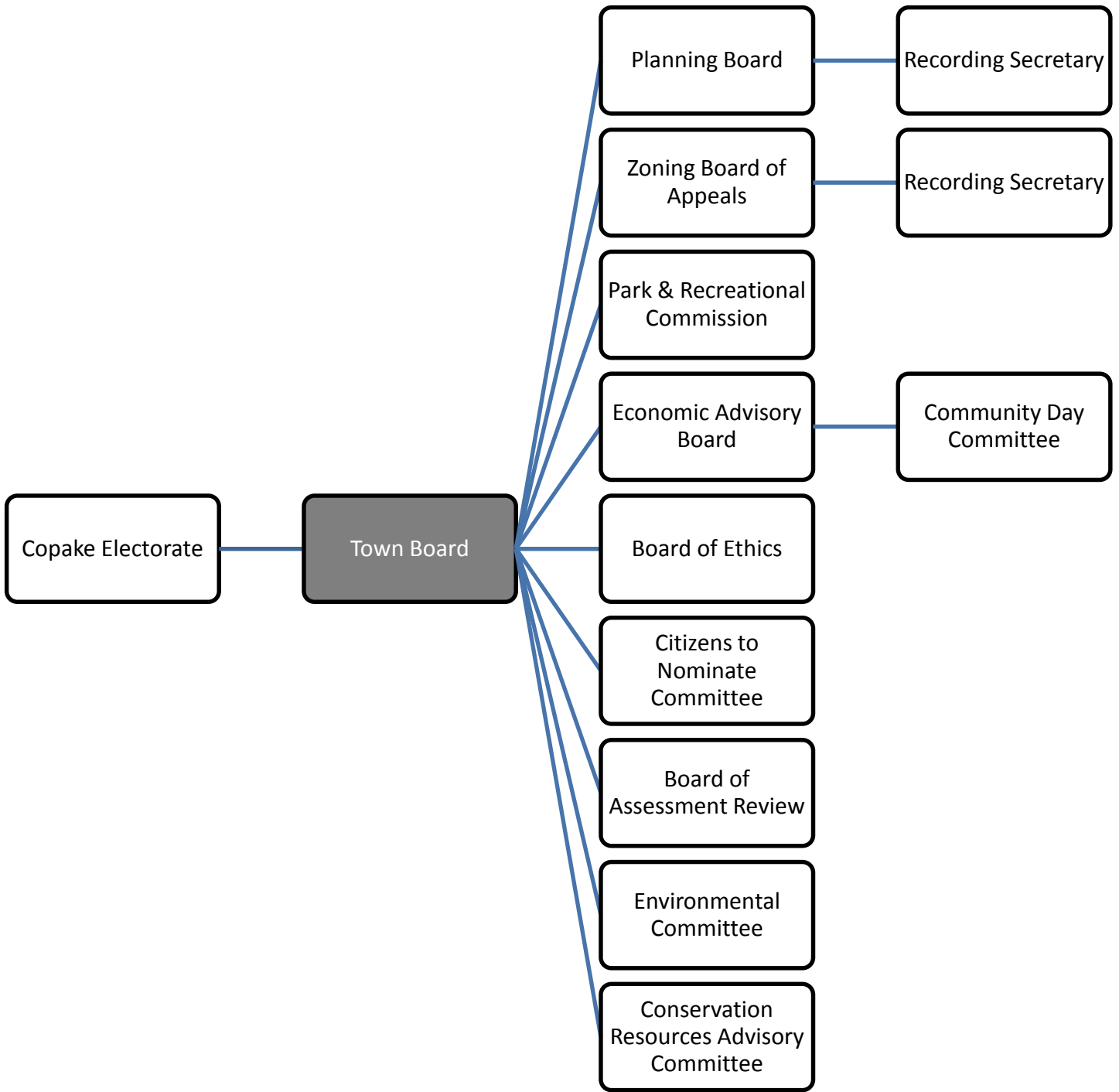
Elected Positions in gray



# D. Town Board Standing Committees Organization Chart

As of December 9, 2012

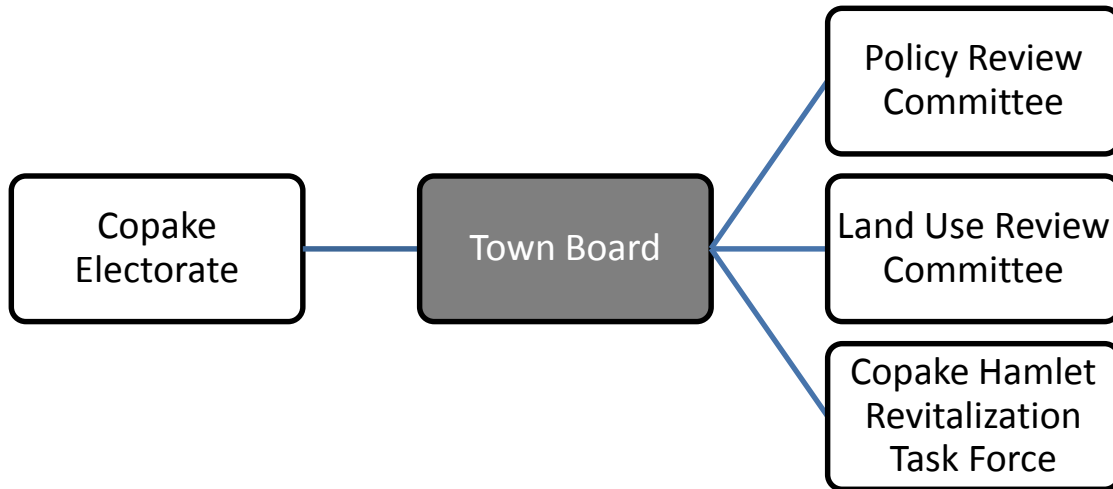
Elected Positions in gray



## E. Town Board Ad Hoc Committees Organization Chart

As of December 9, 2012

Elected Positions in gray



## **F. Town of Copake Workplace Violence Prevention Policy & Incident Reporting Form**

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

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the workplace violence hazards our employees could be exposed to. Other tools that are utilized during this process include establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in *a* periodic Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Copake has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Copake will provide counseling services or referrals for employees.

All Town of Copake personnel are responsible for notifying their designated contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

### ***Designated Contact Person:***

***Name:*** \_\_\_\_\_

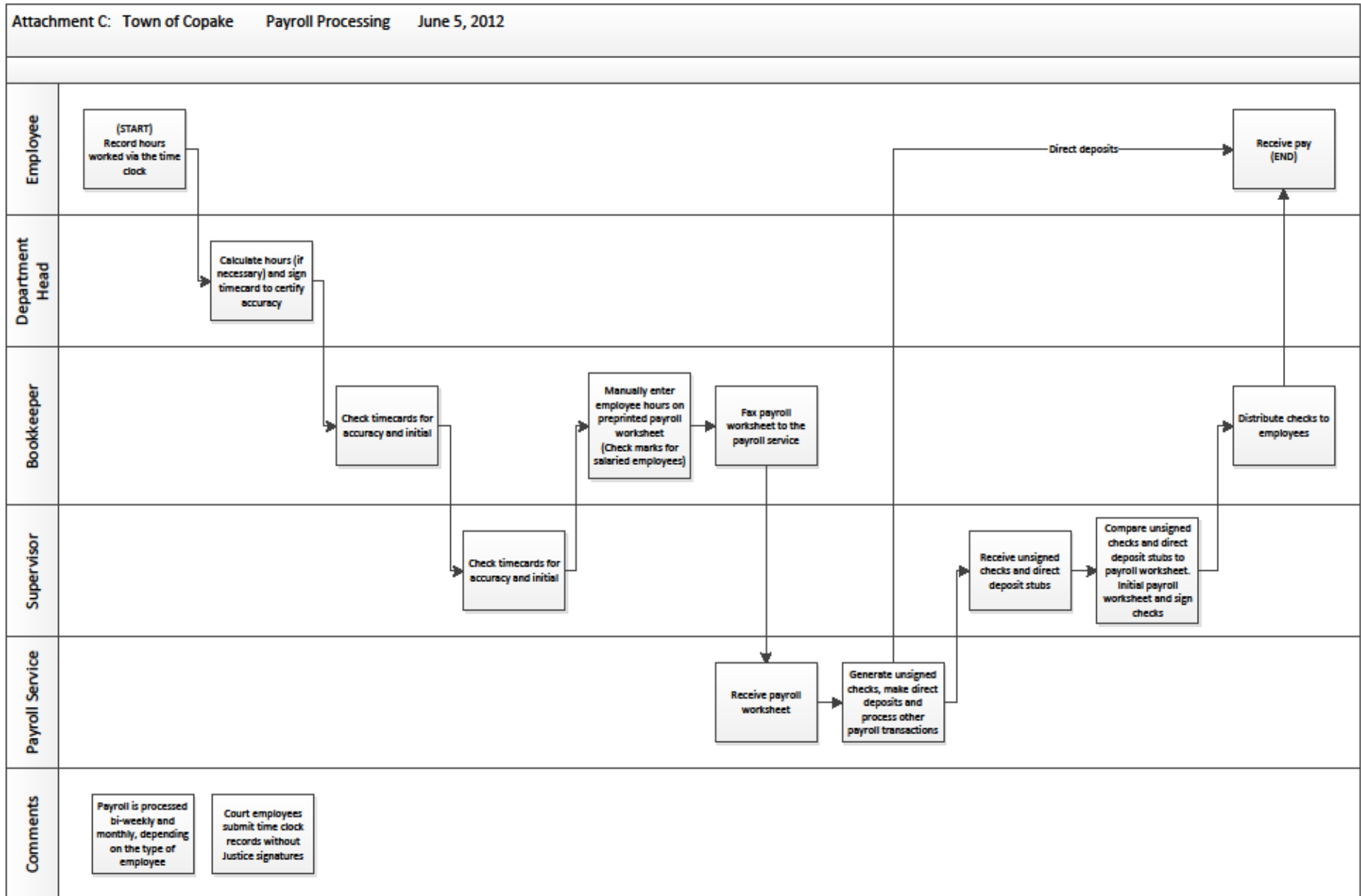
***Title:*** \_\_\_\_\_

***Department:*** \_\_\_\_\_

***Phone:*** \_\_\_\_\_

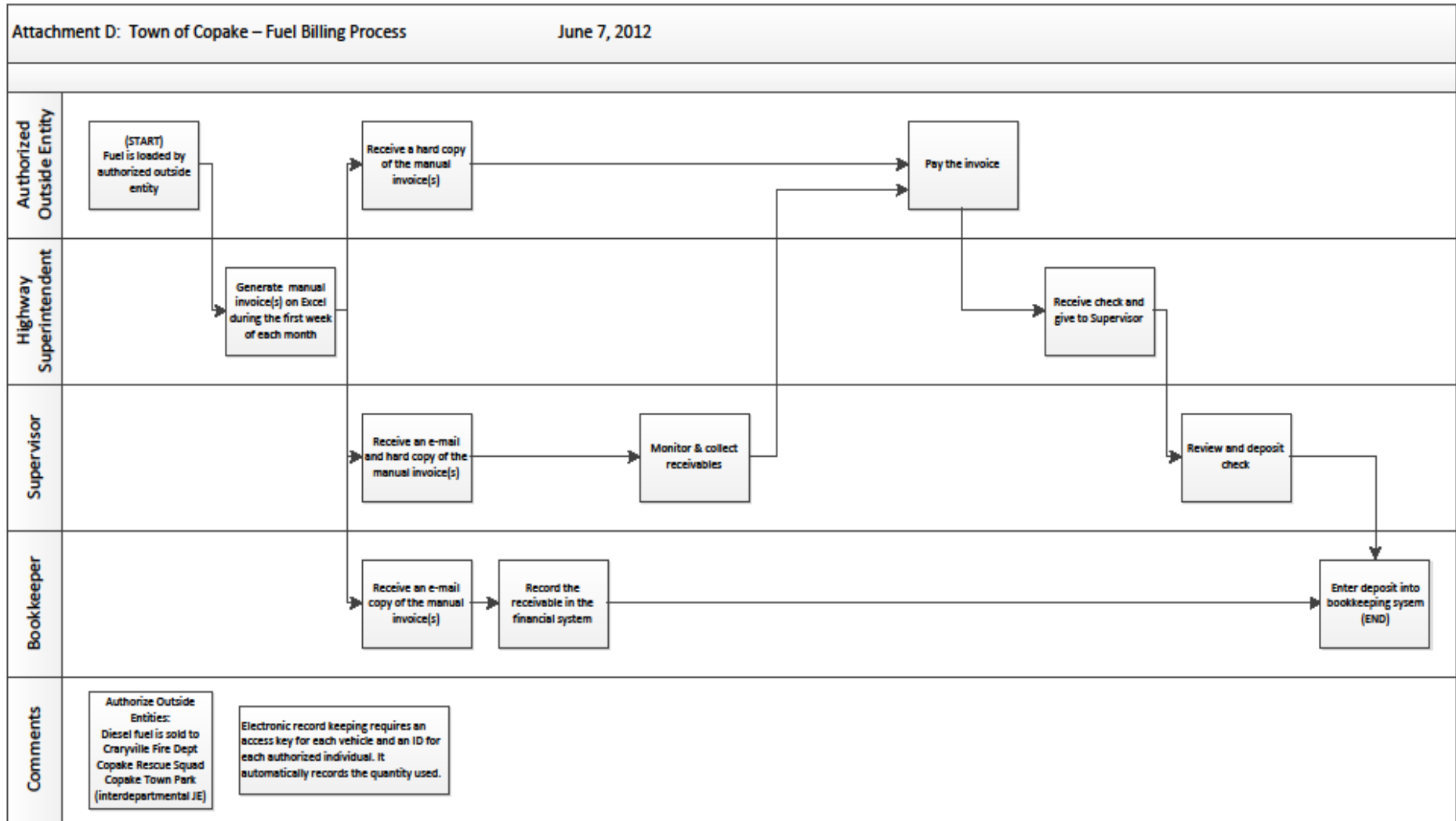
***Location:*** \_\_\_\_\_

# G. Payroll Procedure

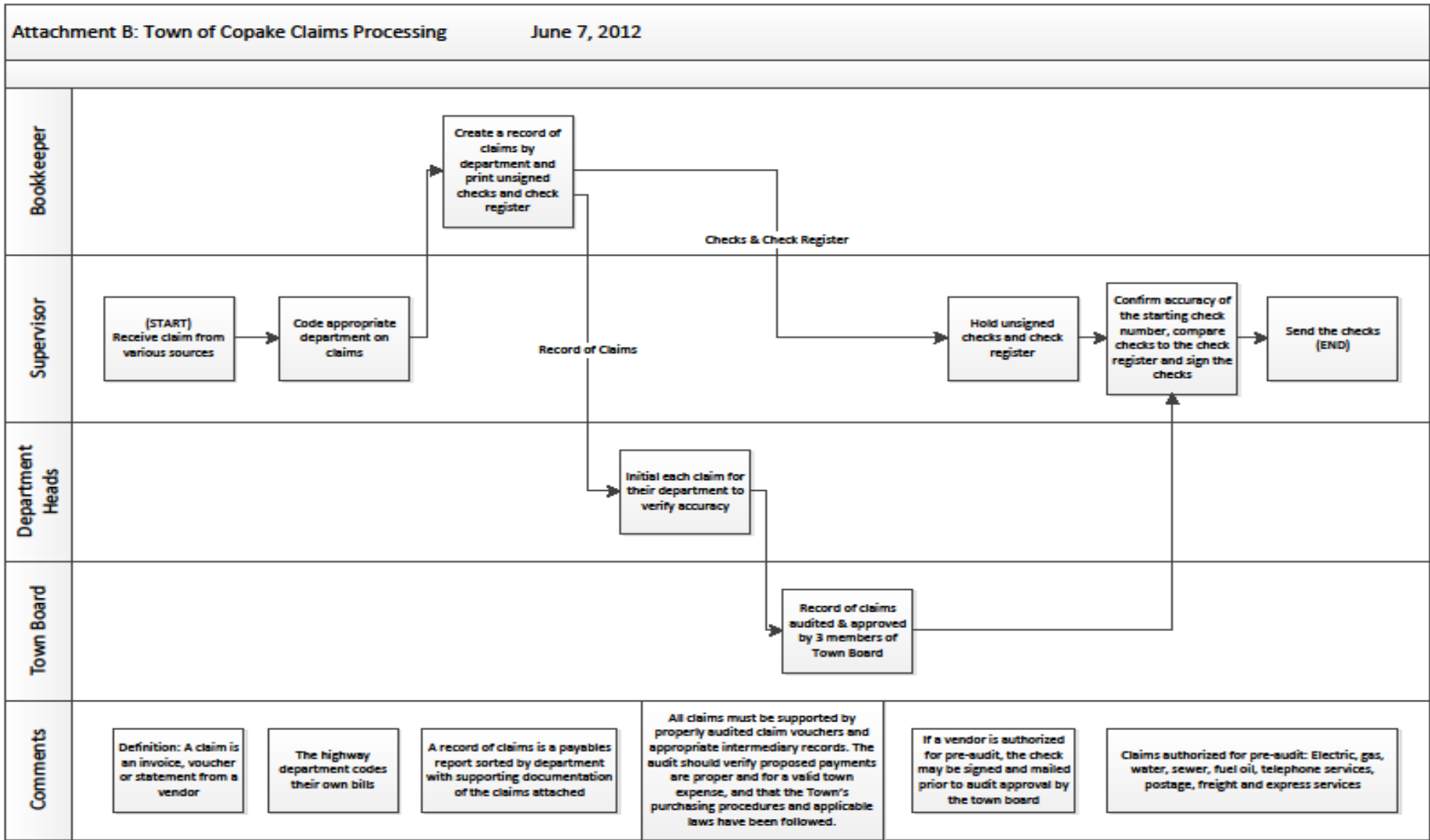




## H. Fuel Billings Procedure



# I. Claims Processing Procedure



J On-Line Transfers

Attachment A: Town of Copake – On-Line Money Transfer Process		June 5, 2012
Administration		Execution
Town Councilpersons*	(START) Maintain bank agreement for on-line transfers that specify the Administrator and User	
Supervisor		Execute on-line transfers
Bookkeeper		Record transfer in financial system
Accounting Firm		Reconcile bank statements (END)
Comments	<p>Policy: Limit the number of authorized individuals. The administrator should not also be an authorized user.</p> <p>*Excludes the Supervisor and Deputy Supervisor because they handle cash.</p>	Key Bank is the only bank. Bills are not paid on-line.

## **K. Town of Copake Technology Resources User Access Policy**

**Version 1.1 dated *December 9, 2012***

### **1. Purpose**

Technology Resources are key assets of the Town of Copake (“Town”). They are essential to the performance of Town business and are a part of the daily work of most employees. The Town provides these technology resources which include, but are not limited to, desktop computers, laptop computers, electronic mail (“e-mail”) User accounts, databases, equipment, software, networks and connections to the Internet/Intranet services, Wireless Infrastructure/devices (“WiFi”), desk phones, cellular phones, Blackberry devices, copy machines and fax machines (collectively “Town Technology Resources”).

The purpose of the policy is to set standards for the use and the protection of data and information in these technology resources. The policy applies to all employees of the Town as well as to any other individuals, including consultants, interns, temporary employees and vendors (collectively “other Users”) who have authorized access to these technology resources. It shall be the responsibility of every employee and other User of Town Technology Resources to know and comply with this policy and sign the User Acknowledgement Acceptance Form.

The protection of these Town assets is critical. Effective security is a team effort involving the participation and support of every employee and other User who has access to data and information in any of the resources. Inappropriate use of these resources exposes the Town to risks including virus attacks, system compromises, interruption of services and potential liability to third parties.

### **2. Authorized Use of Town Technology Resources; Establishment of Internal Procedures to Obtain Authorized Access**

Town Technology Resources are owned or licensed by the Town. Employees or other Users may be authorized to use Town Technology Resources in the performance of their assigned work responsibilities and duties for Town business purposes.

When authorized to use Town Technology Resources, employees or other Users must take every effort to ensure the security, safety and maintenance of that resource. In addition, employees or other Users shall use Town Technology Resources, such as a cellular phone or Blackberry device, in accordance with New York State law when operating a motor vehicle.

Employees and other Users are prohibited from connecting any other technology resources, including equipment or software, to Town Technology Resources without approval by the Town Supervisor.

The Supervisor shall develop and establish internal procedures to obtain authorized access to Town Technology Resources which shall be followed by all Department Heads, employees and other Users.

### **3. Prohibited Use of Town Technology Resources**

Employees and other Users are required to conduct themselves lawfully and appropriately in the workplace and are prohibited from using the Town's Technology Resources for activities that are unauthorized by this policy. Prohibited use of Town Technology Resources includes, but is not limited to, the following:

- (i) Any use of the Town's Technology Resources for any non-business purposes that could cause congestion, delay, or disruption of service to any of the Town's Technology Resources. For example, electronic greeting cards, entertainment software or games, gambling, streaming media (video), sound, digital images large computer file attachments or other continuous data streams can degrade the performance of the entire network.
- (ii) Any use of the Town's Technology Resources as a staging ground or platform to gain unauthorized access to other systems or in furtherance of unauthorized computer use (i.e., "hacking").
- (iii) Any use of the Town's Technology Resources in the creation, copying, transmission, or retransmission of chain letters, petitions or other unauthorized mass mailings regardless of the subject matter.
- (iv) Any use of the Town's Technology Resources for the creation, downloading, viewing, storage, copying, or transmission of any data and/or information that is: illegal; obscene; sexually explicit or sexually oriented; hate speech; threatening; defamatory; known to be fraudulent or ridicules others on the basis of race, creed, religion, color, gender, disability, national origin, or sexual orientation.
- (v) Any use of the Town's Technology Resources for furtherance of a non-Town business or non-Town employment, including, without limitation, consulting for pay, sales or administration of business transactions or the purchase or sale of goods or services.
- (vi) Any use of the Town's Technology Resources to engage in any outside fund-raising activity, endorse any product or service, participate in any lobbying activity, or engage in any union related or political activity.
- (vii) Any use of the Town's Technology Resources to post Town information to external newsgroups, bulletin boards or other forums without express authorization by the Town Supervisor.
- (viii) Any use of the Town's Technology Resources in the unauthorized acquisition, use, reproduction, transmission, or distribution of any data and/or information, software, including without limitation: private or confidential information about any individual, business or other entity including, but not limited to, medical information; data and/or information that is copyrighted, patented or trademarked or has otherwise legally protected intellectual property rights; and proprietary data or software.
- (ix) Any unauthorized modification of the Town's Technology Resources, including, but not limited to, loading personal software or making configuration changes.
- (x) Any use of the Town's Technology Resources in violation of any federal, state or local law or regulation.
- (xi) Copying any non-public information from Town records is not permitted.

### **4. Incidental Personal Use of Town Technology Resources**

The Town acknowledges that its Technology Resources are valuable and useful to an employee or other User for the conduct of Town business. Incidental personal use of Town Technology Resources is permitted provided that

such use is in a limited amount and duration and does not interfere with the employee's assigned work responsibilities and duties.

Use of the Town's Technology Resources is only a privilege and may be revoked or limited at any time. This privilege does not create a right for an employee or other User to use any Town Technology Resources for non-Town purposes. An employee has no entitlement to accumulate time to use the Town Technology Resources for personal purposes. Incidental personal use of the Town's Technology Resources is at the sole risk of the employee and the employee acknowledges that the Town is not responsible for such personal use.

Employees and other Users are responsible to ensure that they are not giving the false impression that they are acting in their official capacities as Town employees when they are using the Town's Technology Resources for non-Town purposes. If there is a possibility that such a personal use could reasonably be interpreted as made on behalf of the Town, the employee or other User may not use the Town's Technology Resources.

## **5. No Privacy in Data files, E-mail Communications, Internet Use and other**

### **Use of Town Technology Resources; Right to Access, Monitor, Retrieve and/or Duplicate; Disclosure as Town Record**

Employees and other users should be aware that the data files and e-mail communications created and/or maintained on Town Technology Resources are neither private nor confidential. Employees and other Users have no right or expectation of privacy in any data files, e-mail communications, Internet use or other use of Town Technology Resources. The Town, through its Supervisor or his/her designee, has the unrestricted right to access, monitor, retrieve and/or duplicate all data files written or stored on the Town's Technology Resources at any time and for any reason, including all e-mail communications sent or received and any websites visited by an employee or other User.

All data files and e-mail communications created and/or maintained on Town Technology Resources are a Town record and shall be the property of the Town. In addition, as a Town record, any data files or e-mail communications are subject to disclosure to law enforcement or government officials or to other third parties through requests under the New York State Freedom of Information Law or other legal process.

## **6. Use of Passwords as Identification**

Passwords do not imply privacy, but are a means to identify users of Town Technology Resources. Each person must be positively identified prior to being able to access or use the Technology Resources. Positive identification for use of Town Technology Resources involves a User-ID and a password both of which are unique to the person. Upon employment with the Town, the Supervisor's designee shall provide the User-ID and an initial password at the formal request of the Department Head.

Although there is no privacy interest or confidentiality in the use of Town Technology Resources, employees and other Users should not permit access to any Town Technology Resource authorized for their use to any other person. In addition, passwords must not be shared with other employees, except to the appropriate Department

Head or designee upon request. Every employee or other User shall be accountable for the use of any Town Technology Resources assigned to them.

The Supervisor must be informed of any actual or suspected unauthorized password disclosures and shall reset the employee password upon request of the appropriate Department Head.

## **7. E-mail from Town Technology Resources**

Employees must be aware that e-mail communications from the Town's Technology Resources are visible representations of the Town. E-mail messages can be immediately broadcast worldwide and can be received by intended as well as unintended parties. Employees can easily misaddress e-mail communications, and receiving parties can forward e-mail messages to other persons without the original sender's permission or knowledge. Consequently, employees must assume that whatever they write may at some time be made public. Employees must use the Town's Technology Resources in a legal, professional and responsible manner.

## **8. Social Networking and other Web 2.0 Technologies; Internet Security**

Social networking and other Web 2.0 technologies can help support the Town's business purposes. However, improper uses of such Web 2.0 technologies raise security risks and the potential for damage to the Town's Technology Resources. An employee may only use Web 2.0 technologies if authorized by her or his Department Head, and/or the Town Supervisor. If an employee is authorized to use any Web 2.0 technologies, such employee shall adhere to this policy.

In addition, an employee shall obtain authorization from the Town Supervisor or other designee before communicating on behalf of the Town. Employees are responsible for their online activities that are conducted with a Town e-mail address, can be traced to the Town's domain and/or use Town Technology Resources.

## **9. Responsibility for Compliance; Consequences for Violation**

All employees and other Users of the Town's Technology Resources shall be responsible for complying with this policy. An employee or other User who violates this policy may be subject to: (1) loss of use or a limitation on use of Town Technology Resources; (2) financial liability for the cost of such use and/or abuse; (3) formal disciplinary actions in accordance with any applicable collective bargaining agreement which may result in suspension, demotion or termination as may be appropriate; and/or (4) civil and/or criminal liability and penalties.

In addition, all employees and other Users shall be required, annually or from time to time, to sign an acknowledgement certifying that they have read and agree to comply with this policy.

## **10. Prior Executive Orders & Policies Superseded**

This new user acceptance policy supersedes any and all prior Executive Order, resolutions or policies associated with the details contained within.

**COPAKE TOWN POLICY FOR USE  
OF TOWN TECHNOLOGY RESOURCES**  
User Acknowledgment & Acceptance Form

I have read and agree to comply with the Town’s “Policy for Use of the Town Technology Resources”. I understand that I may bring any questions I have about the policy to my supervisor or Department head, as appropriate.

I acknowledge that I am authorized to use Town Technology Resources in the performance of my assigned work responsibilities and duties for Town business purposes. I further acknowledge that incidental personal use of Town Technology Resources is permitted provided that such use is in a limited amount and duration and does not interfere with my assigned work responsibilities and duties.

I further acknowledge that all data files and e-mail communications created and/or maintained on Town Technology resources are neither private nor confidential. I acknowledge that I have no right or expectation of privacy in any data files, e-mail communications, Internet use or other use of Town Technology Resources.

I further acknowledge that the Town, through its Town Supervisor, has the unrestricted right to access, monitor, retrieve and/or duplicate all data files written or stored on the Town’s Technology Resources at any time and for any reason, including all e-mail communications sent or received and any websites visited by me.

I further acknowledge that all data files and e-mail communications created and/or maintained on Town Technology Resources are a Town record and shall be the property of the Town. In addition, as a Town record, I acknowledge that these data files and or e-mail communications are subject to disclosure to law enforcement or government officials or to other third parties through requests under the New York Freedom of Information Law or other legal process.

I further acknowledge that I shall be responsible for complying with this policy. If I violate this policy, I may be subject to: (1) loss of use or a limitation on use of Town Technology Resources; (2) financial liability for the cost of each such use and/or abuse; (3) formal disciplinary actions in accordance with any applicable collective bargaining agreement which may result in suspension, demotion or termination as may be appropriate; and/or (4) civil and/or criminal liability and penalties.

\_\_\_\_\_  
Name of Employee or User (Print Name)

\_\_\_\_\_  
Signature of Employee or User

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head/Designee (Print Name)

\_\_\_\_\_  
Date

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PLEASE RETURN THIS COMPLETED PAGE TO THE DEPARTMENT HEAD  
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