

WAYNE COUNTY WATER AND SEWER AUTHORITY

EMPLOYEE HANDBOOK

Issue Date: 06/27/2023

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020 EMPLOYEE WELCOME MESSAGE

On behalf of your colleagues, the WCWSA Board welcomes you to the WCWSA and wishes you every success here.

We believe that each employee contributes directly to the growth, success, and mission of the WCWSA, and we hope you will take pride in being a member of our team.

This handbook was developed to describe what the Authority expects from our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the WCWSA.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

WCWSA Board Members

Effective Date: 07-16-97

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030 INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the WCWSA and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the WCWSA to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

This handbook, however, cannot anticipate every situation or answer every question about employment. In the event any provisions of this handbook conflict with the Civil Service Law of the State of New York, the Civil Service Law shall prevail and take precedence over the conflicting provisions set forth in this handbook. This handbook is not intended to create contractual relations of any kind. No employee handbook can anticipate every circumstance or question about policy. As the WCWSA continues to grow, the need may arise to change policies described in the handbook.

The WCWSA therefore reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion, with or without notice

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040 EMPLOYEE ACKNOWLEDGMENT FORM

The employee handbook describes important information about the WCWSA, and I understand that I should consult the Executive Director regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the WCWSA Board has the ability to adopt any revisions to the policies in this handbook.

The descriptions of the various benefit plans are intended as brief introductions. A more thorough explanation of the plans can be obtained from the Accounting Manager.

I have entered into my employment relationship with the WCWSA voluntarily and acknowledge that there is no specified length of employment. In the event any provisions of this handbook conflict with the Civil Service Law of the State of New York, the Civil Service Law shall prevail and take precedent over the conflicting provisions set forth in the handbook. Furthermore, I acknowledge that this handbook does not create an express or implied contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it, and a copy of this acknowledgment will be placed in my personnel file.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

FOR WCWSA, SIGNATURE, TITLE

DATE

Effective Date: 07-16-97

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050 DEFINITIONS

WCWSA:	Wayne County Water and Sewer Authority
May:	permissive.
Shall:	mandatory.
Anniversary Date:	annual anniversary of the calendar date of hire (ex. if hired on May 1, 1997, the first anniversary is May 1, 1998).
Scheduled Workdays:	Monday through Friday, inclusive, except where there is a paid holiday as hereinafter provided.
Work week:	consists of 5 workdays exclusive of paid holidays.
Exempt Employee:	an employee who is exempt from the provisions of the Fair Labor Standards Act.
Non-Exempt Employee:	an employee who is covered by the overtime provisions of the Fair Labor Standards Act.
Full Time:	employees who have successfully completed their introductory period and are regularly scheduled to work their department's full time schedule, 40 hours per week. Generally, they are eligible for the WCWSA's benefit package subject to the terms, conditions, and limitations of each benefit program.
Part Time:	employees who work less than fifty percent of the time defined as a work week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for most of the WCWSA's other benefit programs.
Temporary:	employees who have successfully completed their introductory period and are appointed for a short time or a specific job which, at the time of appointment, will foreseeably be terminated in less than 1,000 hours of work. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for most of the WCWSA's other benefit programs.
New employee:	employees whose performance is being evaluated during their introductory period (usually six months) to determine whether further employment in a specific position or with the WCWSA is appropriate. Employees who satisfactorily

complete their introductory period will be notified of their new employment classification.

Eligible employee:

an employee who is eligible to receive benefits as specifically enumerated in specific articles of this handbook.

Civil Service Law

for the purpose of this handbook, the Civil Service Law should refer to the New York State Civil Service Law to the extent that it applies to the WCWSA under its enabling legislation.

Executive Director

principal executive of WCWSA

WCWSA Board

for purpose of this handbook, "board" will mean and refer to the Board of the Wayne County Water and Sewer Authority.

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101 NATURE OF EMPLOYMENT

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the WCWSA.

This handbook, however, cannot anticipate every situation or answer every question about employment. Any question regarding this handbook, or your employment, should be addressed to the Executive Director. It is not an employment contract and is not intended to create contractual obligations of any kind. In the event any provision of this handbook conflicts with the Civil Service Law of the State of New York, the Civil Service Law shall prevail and take precedent over the conflicting provisions set forth in this handbook.

In order to retain necessary flexibility in the administration of policies and procedures, the WCWSA reserves the right to change, revise or eliminate any of the policies and/or benefits described in this handbook. The only recognized deviations from the stated policies are those authorized and signed by the WCWSA Board.

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102 EMPLOYEE RELATIONS

If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to the Executive Director.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The WCWSA Board believes that the WCWSA amply demonstrates its commitment to employees by responding effectively to employee concerns.

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103 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions by the Wayne County Water & Sewer Authority will be based on merit, qualifications, abilities and business needs. Except where required or permitted by law, employment practices will not be influenced or affected by an applicant's or employee's race, color, creed, religion, sex (including pregnancy, childbirth and related conditions), national origin or ancestry, citizenship status, military status or veteran status, age, mental or physical disability, marital status, sexual orientation, gender, gender identity or expression, genetic information or predisposing genetic characteristics, political affiliation, prior arrest, conviction records, being a victim of domestic violence, stalking or sex offenses, or an individual's membership in any other class or category protected by applicable federal, state or local law.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Executive Director. Employees can raise concerns and make good faith reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

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104 NYS HUMAN RIGHTS LAW & AMERICANS WITH DISABILITIES ACT

It is the policy of WCWSA to comply with all the relevant and applicable provisions of the New York State Human Rights Law and the Americans with Disabilities Act. WCWSA will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. WCWSA will also make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and further provided that any accommodations made do not impose an undue hardship on WCWSA.

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodation.

Reasonable accommodation is defined as any change or adjustment to a job, or the work environment, that enables a qualified individual with a disability to enjoy an equal employment opportunity, and does not pose an undue hardship on WCWSA.

The employee or applicant should make WCWSA aware of the employee's need for an accommodation by notifying the employee's supervisor or the Executive Director of the desired accommodation. WCWSA will work with each individual to determine whether the employee is a qualified individual with a disability and, if so, define the individual's job-related needs and to try to accommodate those needs. Employees may not refuse to work alongside co-workers who have disabilities.

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. The individual may recommend an accommodation based on his/her life or work experience. When the appropriate accommodation is not obvious, WCWSA may require additional documentation that describes the individual's disability, evaluating possible accommodations, searching for solutions, and consulting with outside resources. The employee or applicant may also be required to provide medical documentation of his or her disability and of the effectiveness of the accommodation sought. WCWSA may also require a medical examination to assist in assessing the existence of a disability and the effectiveness of certain accommodations. The ultimate decision as to whether a particular accommodation will be made rests with WCWSA. When the appropriate accommodation is not obvious, WCWSA will engage with the employee in an interactive process to identify one.

Requests for a reasonable accommodation for a medical condition and any supporting documentation, will be treated as confidential, maintained in a file separate from an employee's other personnel documents and disclosed only as permitted by applicable law.

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201 EMPLOYMENT CATEGORIES

It is the intent of the WCWSA to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either NON EXEMPT or EXEMPT from certain provisions of the federal and state wage and hour laws. NON EXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are not entitled to overtime pay under the specific provisions of federal and state laws.

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202 PERSONNEL FILES

The WCWSA relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the WCWSA's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

The WCWSA maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance evaluations and salary increases, disciplinary warnings, attendance records and other employment records.

It is the responsibility of each employee to promptly notify the WCWSA of any changes in personnel data including tax withholding. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

Personnel files are the property of the WCWSA, and access to the information they contain is restricted. Generally, only supervisors and management and human resources personnel of the WCWSA who have a legitimate reason to review information in a file are allowed to do so.

With reasonable advance notice, employees may review their own personnel files in the WCWSA's offices and in the presence of an individual appointed by the WCWSA to maintain the files.

Personnel files do not contain health information. Such information on individual employees is treated confidentially. The WCWSA will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Personnel files do not contain I-9 Forms. They are also kept in a separate file.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Executive Director for information and referral to appropriate services and resources

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203 INTRODUCTORY PERIOD

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The WCWSA uses this period to evaluate employee capabilities, work habits, and overall performance. Notwithstanding this introductory period, either the employee or the WCWSA may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. New York State is an "employment-at-will" state. The WCWSA has the right to discharge an employee at any time for any reason before or after completion of the introductory period. This also protects the employee's right to resign. An employer may fire an employee for "no reason" - or even for a reason that might seem arbitrary and unfair - and the employee is equally free to quit at any time without being required to explain or defend that decision. No Department Head, supervisor, or employee of WCWSA has any authority to enter into an agreement for any employment other than at will. Only the Executive Director has the authority to make any such agreement and then only if it is reduced to writing.

All new and rehired employees work on an introductory basis for the first six months after their date of hire. If the WCWSA determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other WCWSA provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

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204 PERFORMANCE EVALUATION

Employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis with either the Director of Operations or Executive Director. An informal performance evaluation will be conducted at the end of an employee's initial period of hire, known as the introductory period.

Additional formal performance reviews are to be conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

A formal written evaluation of each employee may be prepared and reviewed periodically as determined by the Executive Director. The Executive Director and/or designated Department Head is responsible for preparing any such evaluation. The Executive Director shall be responsible for preparing the evaluation of the Department Heads. The WCWSA Governance Committee shall be responsible for evaluating the Executive Director.

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301 EMPLOYEE BENEFITS

Eligible employees of the WCWSA are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all eligible employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification and length of service, and your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook

The following benefit programs are available to eligible employees:

- Bereavement Leave
- Holidays
- Medical Insurance
- Mileage Reimbursement
- Military Leave
- NYS Retirement
- Personal Leave
- Sick Leave Benefits (Short-Term Disability, New York State Section 41j)
- Vacation Benefits
- Volunteer Participation
- Life Insurance
- Deferred Compensation
- Section 125 Plan

Some benefit programs require contributions from employees. The benefit package for regular full-time employees represents a significant cost to the WCWSA.

The benefit descriptions contained herein are intended as a brief introduction. A more thorough explanation of various benefits is contained in the actual plan documents, summary plan descriptions and insurance policies available from the Executive Director. In all circumstances, the actual plan documents or insurance policies are controlling and take precedence over any statements contained herein.

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302 VACATION BENEFITS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

Full-time employees

Full-time employees during introductory period

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule, which shall be effective July 1, 2023.

VACATION EARNING SCHEDULE

First year:	1 day per month, from date of hire to end of calendar year (max 10 days).
After 1 year:	10 days, earned at 0.83 days per month
After 2 years:	12 days, earned at 1.0 days per month
After 3 years:	13 days, earned at 1.08 days per month
After 4 years:	14 days, earned at 1.17 days per month
After 5 years:	15 days, earned at 1.25 days per month
After 7 years:	16 days, earned at 1.33 days per month
After 9 years:	17 days, earned at 1.42 days per month
After 11 years:	18 days, earned at 1.5 days per month
After 13 years:	19 days, earned at 1.58 days per month
After 15 years:	20 days, earned at 1.67 days per month
After 17 years:	21 days, earned at 1.75 days per month
After 19 years:	22 days, earned at 1.83 days per month
After 21 years:	23 days, earned at 1.92 days per month
After 25 years:	25 days, earned at 2.08 days per month

The length of eligible service is calculated on the basis of continuous service. This period begins with the employee's hire date. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation.

(See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. They can request use of vacation time after it is earned.

Vacation is made available to each employee on January 1, based on the schedule above. The first year's vacation will be prorated based on date of hire.

Paid vacation time can be used in minimum increments of one-half day. To take vacation, employees should request advance (at least 48 hours) approval from their Department Head. Requests will be reviewed based on a number of factors, including WCWSA needs and staffing requirements. The Department Head may establish periods during the calendar year when the employee may exercise or use earned vacation.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any other special forms of compensation.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. Employees may carry over up to forty (40) hours of vacation time to the following year upon approval of the Executive Director. In the event that available vacation is not used by the end of the calendar year, employees will forfeit the unused time unless carry over vacation time up to forty (40) hours is approved by the Executive Director. Carry over vacation time is not cumulative, so any balance of carry over vacation time in excess of five days shall be forfeited.

With the permission of the Executive Director, employees may be permitted to take vacation time that has not accrued. The employee will be required to sign a Vacation Repayment Agreement which provides that if the employee has taken more vacation time than has accrued as of the employee's termination date, the employee will be required to repay the WCWSA for the used but not accrued vacation time.

Only employees (1) who provided at least two weeks advance notice of the employee's termination of employment, and (2) who have not been terminated by the WCWSA prior to the date specified in the employee's notice of termination, will be paid for earned but unused vacation time within 30 days of termination.

Any employee who wishes to use unpaid leave will not be permitted to do so unless all paid vacation and personal time has been exhausted and requested time has been approved by the Department Head. This provision does not apply to military leaves of absence (see 603 Military Leave).

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303 HOLIDAYS

The WCWSA will grant 12 days holiday time off to all employees annually. The actual holidays will be determined by the Executive Director prior to the beginning of the year.

According to applicable restrictions, the WCWSA will grant paid holiday time off to all eligible non exempt employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classifications:

Full-time employees

Full-time employees during introductory period

If a recognized holiday falls during an eligible non exempt employee's scheduled paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If an eligible non exempt employee works on an approved holiday, they will receive holiday pay plus wages at one and one-half times their straight time rate for the hours worked on the holiday.

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304 WORKERS' COMPENSATION INSURANCE

The WCWSA provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness arising out of and in the course of employment as (as may be defined by law) that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits within 18 days after first day of disability, or 10 days after the employer first has knowledge of the alleged incident (whichever is greater) if lost time exceeds seven days. Employees who sustain work-related injuries or illnesses arising out of and in the course of employment (as may be defined by law) must inform their supervisor or Department Head immediately. A written report must be made by the Department Head. No matter how minor an on the job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Where an injury has resulted in less than 7 days of lost time from work, no lost wage benefits is payable. This is because there is a 7-day waiting period mandated by the New York State Workers' Compensation Law. However, if the injury results in a disability lasting 15 days or more, than the insurance carrier is liable to go back to day one and pay the entire period of disability. Worker's Compensation is non-taxable.

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305 SICK LEAVE BENEFITS

The WCWSA provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classifications:

Full-time employees

Full-time employees during introductory period

Eligible employees will be given sick leave benefits at the rate of 8 days per year. Sick leave benefits are calculated on a calendar year basis with the first year pro-rated based on the date of hire.

Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of a family member who resides in the employee's household. Eligible employees may use up to five days of accrued sick leave benefits for paternity leave or adoption leave for the birth or adoption of the employee's child. Note that the employee may use additional sick leave benefits based upon the family member's health condition.

If an employee is absent for three or more consecutive days due to illness or injury or for any absence on a work day before or after a paid holiday; a physician's statement must be provided verifying the illness and/or verifying that the employee may safely return to work, with or without restrictions. If there are restrictions, this must be clearly stated on the medical release. Where the illness is of a long duration, the department head may request an examination by a physician or require other evidence that the illness is bona fide. In the case of a department head, such proof may be required by the Executive Director.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence.

An employee on an extended absence must apply for any other available compensation and benefits, such as worker's compensation or short term disability. Sick leave benefits will be used to supplement any compensation or WCWSA provided disability insurance programs. The combination of any such disability payments and sick leave benefits shall not exceed the employee's normal weekly earnings. Upon returning to work, a medical "Return to work" release is required.

In no event shall an employee be allowed to accumulate more than 165 days worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, or birth or adoption, and may not be used for any other absence. Unused sick leave benefits will not be paid upon termination.

Under Section 41 (j) of the Retirement and Social Security Law, the Wayne County Water and Sewer Authority provides additional service credit toward retirement for its employees who are entitled to accumulated sick leave. This membership applies to all tiers of

membership. The maximum additional service credit allowed under subdivision (j) is 165 days. The additional service credit is applied on a calendar day basis (30 days = 1 month). Members who receive a cash payment based on their accumulated sick leave at retirement are not eligible for the additional service credit. Payments for unused sick leave cannot be considered in the calculation of a member's final average salary.

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306 TIME OFF TO VOTE

The WCWSA encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. Employees who do not have at least four consecutive non-working hours between polls opening and closing, and who do not have sufficient non-working time to vote, are entitled to up to 2 hours paid leave to vote.

Employees must return to work immediately after voting if their shift has not ended.

Employees must request time off to vote in writing at least two work days in advance. Requests for time off to vote should be given to Department Heads or the Executive Director.

Effective Date: 07-16-97

Revision Date: 01-01-19

307 BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member or other close relative, the employee should notify his or her supervisor immediately.

In the event of the death of an immediate family member (spouse or same-sex committed partner, child, parent or sibling) up to three consecutive days of paid bereavement leave will be provided to eligible employees in the following classifications:

Full-time employees

Full-time employees during introductory period

In the event of the death of a close relative (grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-brother, step-sister, step-parent, and child or parent of a same-sex committed partner), up to one day of paid bereavement leave will be provided to eligible employees in the following classifications:

Full-time employees

Full-time employees during introductory period

Bereavement pay is calculated based on the base pay rate at the time of absence. Bereavement pay is approved only for scheduled work days.

Any employee may, with the approval of both their department head and the Executive Director, take additional time off without pay as necessary.

The policies outlined above apply to part-time employees except that they will not receive bereavement pay.

Effective Date: 07-16-97

Revision Date: 03-01-11

308 JURY DUTY

The WCWSA encourages employees to fulfill their civic responsibilities by serving jury duty when required. Any person who is summoned to serve as a juror and who notifies WCWSA prior to the commencement of jury duty shall not, on account of absence from employment by reason of such jury service, be subject to discharge or penalty.

Full-time employees shall be entitled to be paid for up to one week of jury duty. Other employees shall receive jury duty pay as mandated by law. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence less the amount the employee receives as jury duty compensation. Additional jury duty pay may be granted at the discretion of the Executive Director. Employee classifications that qualify for paid jury duty leave are:

Full-time employees

Full-time employees during introductory period

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either the WCWSA or the employee may request an excuse from jury duty if, in WCWSA's judgment, the employee's absence would create serious operational difficulties.

The WCWSA will continue to provide health insurance benefits for the full term of the jury duty absence.

Effective Date: 07-16-97

Revision Date: 03-01-11

309 MEDICAL/HOSPITALIZATION/DENTAL INSURANCE

A. Full time Employees

For all full-time employees, the WCWSA will contribute an amount, as determined from time to time by the board, of the total family premium monthly towards the medical, health and dental insurance premium for themselves and their families. For the purposes of this policy, a family includes all children up to the age allowed by the carrier.

The employee's premium responsibility will be the balance remaining after the Authority's contribution. NOTE: Plans which cost less than the Authority's contribution will be covered in full by the Wayne County Water and Sewer Authority, but the employee will not be entitled to the balance of the Authority's contribution.

The extent of coverage will be as determined by the WCWSA Board.

Each full-time employee may be covered with medical, health and dental insurance upon hire.

Retirees: See Section 312 for health insurance benefits for certain employees who retire from the Authority.

B. Part Time Employees

The WCWSA will not contribute to the health insurance, medical, or hospital insurance premiums for part-time employees.

Part time employees may join the WCWSA's group plan, at their expense, to provide coverage for the employee, spouse and family. This coverage will remain in effect provided that the employee's premium payment is received by the Accounting Manager at least 10 days before coming due.

Effective Date: 07-16-97

Revision Date: 01-01-19

310 VOLUNTEER PARTICIPATION

The WCWSA encourages its employees to participate in the Volunteer Fire Service or Ambulance Service.

Full-time employees serving as volunteers for any Volunteer Fire Departments or Ambulance may respond as necessary to emergency calls during working hours and receive regular base rate pay. A certificate of participation signed by an appropriate Fire or Ambulance Line Officer may be required by the Department Head. If an employee is on a paid leave from the WCWSA (i.e., vacation, holiday, sick, personal, etc.) and the employee responds to a call, the employee will not receive additional compensation from the WCWSA and the employee's appropriate leave time will still be charged. Abuse of this privilege may be noted in the employee's performance evaluation.

Effective Date: 07-16-97

Revision Date: 01-01-19

311 NEW YORK STATE RETIREMENT

The WCWSA will make available the New York State Employees' Retirement System pension plan to each eligible employee. An employee is eligible for service retirement benefits after five years of creditable public sector service. In the event an employee leaves after five years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee.

A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the retirement system. Employment is considered full-time unless:

- The employee works less than thirty hours per week; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment for less than one year or employment on less than a 12 month per year basis; or
- The employee is already retired from the system and meets income guidelines.

An employee who is not mandated to join may join the retirement system. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Accounting Manager's Office. If the employee elects to join the retirement System, the employee must complete the application form and return it to the Accounting Manager.

An employee who is not mandated to join the retirement system, and who chooses not to join, must complete a waiver of enrollment form.

Effective Date: 10-01-04

Revision Date: 05-01-20

312 MEDICAL INSURANCE FOR RETIREES

Full time employees who have reached the age of 59½ and retire from the Authority after 25 or more years of continuous service with the Authority or after 25 or more years of combined continuous service with the Authority and a municipality that joins the Authority (with at least the last 5 years of those combined years spent working for the Authority), and who are retiring in accordance with the NYS Retirement System eligibility requirements, may elect to continue to be covered by the health insurance plan(s) offered to current employees.

If the retiring employee elects to continue coverage under the Authority's plan, the Authority will pay up to a maximum of \$250.00 per month toward the premium for the former employee and spouse who is covered by an Authority plan at the time of the employee retirement, provided that the retired employee pays the balance of the premium due by the first day of the month of coverage. If the former employee fails to pay his or her share of the premium when due, the Authority reserves the right to cancel the coverage without notice. Once the retired employee is no longer covered by the Authority's health insurance plan, whether because the retired employee does not elect to maintain coverage, or the retired employee does not pay his or her share of the premium when due, then the retired employee's right to this benefit shall terminate and may only be reinstated by the action of the Board of the Authority, in its sole discretion. This benefit shall also terminate upon the death of the retired employee, when the retired employee is no longer eligible for coverage under the terms of the Authority's health insurance plan, or when the retired employee becomes eligible for other coverage (excluding Medicare).

Provided that the retired employee is then covered by the Authority plan, at age 65, the retired employee may continue the benefit, but must switch from regular coverage to Medicare Supplement coverage. Several different Medicare Supplement policies are available. It is the retired employee's responsibility to apply for Medicare Parts A and B, so he or she is eligible for a Medicare Supplement policy. After the retired employee has applied for such coverage, the Authority will continue to pay up to a maximum of \$250.00 per month toward the cost of any approved supplemental insurance policy which covers the former employee and any spouse who is covered by an Authority plan at the time of the employee retirement from the Authority.

This contribution toward supplemental Medicare coverage shall continue until the death of the former employee and shall at that point cease in its entirety.

Proof of approved ongoing supplemental insurance coverage and the actual cost thereof shall be provided in written form to the Authority on a semi-annual basis, or as otherwise required by the Authority to verify continuing coverage.

The Authority reserves the right to modify or terminate any or all of these retirement benefits at any time with or without notice.

Effective Date: 10-01-04

Revision Date: 03-01-11

313 COBRA

The WCWSA complies with the New York State Benefits Continuation Law and the Consolidated Omnibus Reconciliation Act (COBRA) which provides a continuation of employer group insurance benefits at the group rate for employees and their dependents after certain qualifying events occur for specified lengths of time. Please notify the Accounting Manager of a "qualifying event" within 14 days of the occurrence (ex. – birth, death, divorce, marriage). More information on COBRA in the event of employment termination is available from the Executive Director.

**General Notice of COBRA Continuation Coverage Rights
(For use by single-employer group health plans)**

**** Continuation Coverage Rights Under COBRA****

Introduction

You are receiving this notice because you have recently become covered under a group health plan (the Plan). This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.**

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

What is COBRA Continuation Coverage?

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because either one of the following qualifying events happens:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you are the spouse of an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because any of the following qualifying events happens:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or

- You become divorced or legally separated from your spouse. Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because any of the following qualifying events happens:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

Sometimes, filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to the Wayne County Water & Sewer Authority, and that bankruptcy results in the loss of coverage of any retired employee covered under the Plan, the retired employee will become a qualified beneficiary with respect to the bankruptcy. The retired employee's spouse, surviving spouse, and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

When is COBRA Coverage Available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, commencement of a proceeding in bankruptcy with respect to the employer, or the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

You Must Give Notice of Some Qualifying Events

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must provide this notice to the Accounting Manager.

How is COBRA Coverage Provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage. Please provide proof of disability to the Accounting Manager within 30 days of the Social Security Administration documenting your disability.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

If You Have Questions

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at www.dol.gov/ebsa. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website.)

Keep Your Plan Informed of Address Changes

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan Contact Information

Wayne County Health Care Trust
26 Church Street
Lyons NY 14589
315-946-7483

Wayne County Water & Sewer Auth
3377 Daansen Road
Walworth NY 14568
315-986-1929

Effective Date: 10-01-04

Revision Date: 03-01-11

314 SHORT TERM DISABILITY

The Wayne County Water Authority is required by law to provide short term disability. In the situation where an employee has to be out of work for more than one week, for an injury sustained outside of the workplace, medical procedure, or for a pregnancy, New York State Short Term Disability will provide coverage. Please see the Accounting Manager for more details.

Effective Date: 03-01-11

Revision Date: 03-01-11

315 MEAL REIMBURSEMENT

The WCWSA recognizes that it is necessary on occasion for certain WCWSA employees to attend meetings, conferences, or seminars. It is the WCWSA's position that if a meal is not included in the cost (if any) of the meeting, conference or seminar, the WCWSA will reimburse the WCWSA employee a reasonable amount for meal expenses provided the original receipt is submitted within a reasonable time upon return from such meeting, conference or seminar. The receipt should show the amount of the expense, the date of the expense, the time of the expense, the location of the expense, and the business reason for the expense. The employee will not be reimbursed for lavish or extravagant expenses. An expense is not considered lavish or extravagant if it is reasonable based on the facts and circumstances. Under no circumstances will the cost of alcohol purchased be reimbursed to the Authority employee. It is recommended that prior approval for such meetings, conferences or seminars be obtained from the Board of Directors for the Executive Director and by the Executive Director as to any other WCWSA employees.

Effective Date: 03-01-11

Revision Date: 01-01-19

316 UNIFORMS & WORK CLOTHING

The WCWSA recognizes that it is necessary for certain WCWSA employees to be provided with work clothing necessary for personal safety, customer identification purposes, and other safety sensitive situations. It is the WCWSA's position that all employees in certain positions will be expected to be dressed with WCWSA provided steel toed work boots, and WCWSA issued t-shirts, sweatshirts, jacket and/or high visibility vests. The WCWSA may provide additional clothing as necessary for safety sensitive requirements per Board approval. Employees may be provided with WCWSA issued and logoed apparel to be worn for essential identification, emergency response and safety situations. Uniforms and clothing provided by the WCWSA remain the property of the WCWSA and shall be returned upon termination of employment.

Notwithstanding the foregoing, WCWSA will make accommodations to this policy for certain religious and disability reasons and when necessary to comply with state and/or federal law, unless the accommodations pose a safety hazard or create more than a minimal burden on the operations of WCWSA. Employees should consult with their Department Head regarding the appropriate clothing for the area in which they work or for any questions or requests for accommodations to this policy.

A uniform allowance may be provided to WCWSA employees only one time per year at a date to be determined by the Executive Director. Any such allowance will qualify as personal clothing which would be subject to personal income tax withholding. Any such allowance will be reviewed and determined annually by the Executive Director and/or Board of Directors as part of the annual budget and will be implemented by the Executive Director. The following employees may be provided with uniforms and/or a uniform allowance annually to obtain work related clothing only:

Executive Director
Director of Operations
Meter Foreman
Construction Foreman
Waste Water Treatment Operators
Laborers
Administrative Staff

Effective Date: 01-01-19

Revision Date: 01-01-19

317 DEFERRED COMPENSATION PLAN

WCWSA employees are eligible to participate in the New York State Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years.

Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower.

A description of the plan may be obtained from the Accounting Manager's Office.

Effective Date: 01-01-19

Revision Date: 01-01-19

318 SECTION 125 PLAN

The WCWSA offers a pre-tax contribution option for employees. This employee benefit is known as a Section 125 plan.

A Section 125 plan is a benefit plan that allows employees to make contributions toward premiums for medical insurance and out-of-pocket medical expenses or dependent care expenses on a "before tax" rather than an "after tax" basis. This means qualified expenses are deducted from gross pay before income taxes and Social Security are calculated.

If you wish to participate in this plan will need to complete an election form and return it to the Accounting Manager. Your gross pay is reduced by an amount equal to your contributions for medical insurance and out-of-pocket medical expenses or dependent care expenses.

You cannot make any changes to your pre-tax contributions until the next open enrollment period, unless your family status changes or you become eligible for a special enrollment period due to a loss of coverage. Family status changes include marriage, divorce, death of a spouse or child, birth or adoption of a child or termination of employment of your spouse. A change in election due to a change in family status is effective the next pay period.

Effective Date: 01-01-19

Revision Date: 01-01-19

319 LIFE INSURANCE

Life Insurance is available under the New York State Employee's Retirement System.

Effective Date: 07-16-97

Revision Date: 03-01-11

401 TIME KEEPING

Accurately recording time worked is the responsibility of every non exempt employee. Federal and state laws require the WCWSA to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non exempt employees should accurately record the time they work. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Effective Date: 07-16-97

Revision Date: 03-01-11

402 PAYROLL

Employees are paid biweekly, on alternate Fridays. Each paycheck will include earnings for all work performed through the end of the previous payroll period. The pay week runs from Monday to Sunday.

In the event that a regularly scheduled payday falls on a day off (e.g., a weekend or holiday), employees may pick up their check on the day before the holiday.

Checks can only be picked up by the employee unless express written permission is given to the Administration office allowing someone other than the employee to take possession of the payroll check.

Neither pay advances nor extensions of credit on unearned wages can be provided to employees.

The WCWSA takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the WCWSA so that corrections can be made as quickly as possible.

Once under payments are identified, they will be corrected in the next regular paycheck.

Overpayment will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the WCWSA shall attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

Employees may have pay directly deposited into their chosen financial institution account if they provide advance written authorization to the WCWSA. Employees will receive an itemized statement of wages when the WCWSA makes direct deposits.

Effective Date: 07-16-97

Revision Date: 03-01-11

403 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION - employment termination initiated by an employee who chooses to leave the organization voluntarily. (Two weeks notice is required to receive any due and payable benefits)

DISCHARGE - employment termination initiated by the WCWSA.

LAYOFF - involuntary employment termination initiated by the WCWSA for non disciplinary reasons.

RETIREMENT - voluntary retirement from active employment status initiated by the employee.

The WCWSA will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, or return of WCWSA owned property. Suggestions, complaints, and questions can also be voiced.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid in accordance with WCWSA policies provided proper notice is given. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

The WCWSA complies with the New York State Benefits Continuation Law and the Consolidated Omnibus Reconciliation Act (COBRA) which provides a continuation of employer group insurance benefits at the group rate for employees and their dependents after certain qualifying events occur for specified lengths of time. Please notify the Accounting Manager of a "qualifying event" within 14 days of the occurrence. (ex. – birth, death, divorce, marriage) More information on COBRA in the event of employment termination is available from the Executive Director.

Effective Date: 07-16-97

Revision Date: 01-01-19

404 PAY DEDUCTIONS

The law requires that the WCWSA make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The WCWSA also must deduct Social Security and Medicare taxes on each employee's earnings up to a specified limit that is called the Social Security or Medicare "wage base." The WCWSA contributes an additional amount of Social Security and Medicare taxes as required by law.

The WCWSA is also required to make a deduction for the New York State Retirement Program, at a rate predetermined by the NYS Retirement System for all full time employees, and those part-time employees that elect to participate.

The WCWSA offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your department head can assist in having your questions answered.

Employees should report improper deductions immediately to their Department Head or the Accounting Manager. Employees will not be retaliated against for making any such complaints. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

Effective Date: 07-16-97

Revision Date: 03-01-11

405 WAGE RATES

Rates of pay will be established each year by the WCWSA Board.

Effective Date: 07-16-97

Revision Date: 03-01-11

501 WORK SCHEDULES

The normal work schedule for all Full-time employees is 40 hours per week, 8 hours per day.

The normal work schedule for all part time employees is at the discretion of their department head.

Department heads will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Effective Date: 07-16-97

Revision Date: 03-01-11

502 USE OF TELEPHONES

Reasonable use of WCWSA telephones is permitted for personal communication. Excessive or inappropriate use of WCWSA telephones for personal use is an abuse of the privilege and will result in corrective action, up to and including termination.

Employees may be required to reimburse the WCWSA for any charges resulting from their personal use of the telephone.

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

Effective Date: 06-20-02

Revision Date: 03-01-11

503A CELLULAR PHONE AND MOBILE DEVICE USE

All WCWSA employees may use cellular phones or mobile devices while driving a vehicle for business use only under the following terms and conditions:

1. If the vehicle is properly equipped with an approved hands-free device and the employee utilizes such equipment in accordance with all applicable laws, regulations and equipment manufacturers' recommendations; or
2. If the vehicle has been parked in an approved parking area prior to placing, or accepting a call, text or message, and the vehicle remains in said approved parking area until the call, text or message is completed and the phone or mobile device is properly and legally secured for continuation of travel. In the event the employee is driving the vehicle and needs to place or receive a cellular or digital communication, the employee must proceed safely to an approved parking area; or
3. If there is an emergency situation requiring the use of cellular or digital communications, an employee should, if safely possible, proceed to an approved parking area to place or receive the communication. If it is not safe to proceed to an area designated for vehicle parking to place or receive a cellular phone call, an employee may place or receive a cellular phone call for the emergency situation in the safest manner available to the employee. Texting or emailing while driving is strictly prohibited.

This policy shall apply to all cellular, mobile or digital phones and devices, whether WCWSA owned or personally owned, if being used while in a WCWSA vehicle or while engaged in any type of WCWSA business. This policy shall also apply when a personal vehicle is being used for WCWSA business, or any time that a WCWSA owned phone is used in a private vehicle for any reason.

Employees shall be responsible for complying with all federal, state and local laws regarding use of cellular phones and mobile devices while driving a vehicle, and shall be responsible for any violations, fines or penalties incurred by the employee.

Effective Date: 06-20-02

Revision Date: 03-01-11

503B WATER AUTHORITY OWNED PHONES

The WCWSA recognizes that certain WCWSA employees and the Chairman of the Board of Directors will be assigned WCWSA owned cell phones in order to meet their job responsibilities. The WCWSA further recognizes that certain employees will use a Smartphone device with the capacity for voice, text and data transmissions as a necessary business communication tool in carrying out their job responsibilities.

The Executive Director/Board of Directors must approve all cell phone/smartphone users. Criteria that will be considered in assigning a cell phone/smartphone device include overall supervisory responsibilities, and health and safety responsibilities. Job titles that will be assigned WCWSA owned cell phones/smartphone's will be maintained in the Accounting Manager's office and will be reported to the Board of Director's annually. The WCWSA recognizes that due to changing WCWSA needs and personnel, the job titles on the list may be modified throughout the year in accordance with the criteria set forth above.

As with any WCWSA owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss or theft. Any damage, loss or theft must be reported immediately to the WCWSA. If appropriate, the WCWSA may seek reimbursement from the employee for damage or loss.

WCWSA owned cell phones/smartphone devices are primarily for business purposes. Employees utilizing smartphone devices that include internet access must abide by the WCWSA's Internet Use Policy with respect to the use of the internet on the smartphone. The WCWSA recognizes that incidental personal use of cell phones/smartphone devices may occur. However, the employee shall be responsible for any personal use of the cell phone/smartphone that results in an additional cost to the WCWSA beyond the cost of the plan in place for the employee. The WCWSA shall determine, to the extent possible, such charges and obtain reimbursement from employees. Authorization to use a WCWSA owned cell phone/smartphone device maybe be restricted if an employee is delinquent in reimbursing the WCWSA for such charges.

The Accounting Manager shall review the WCWSA's cell phone/smartphone plans and employee usage on an annual basis and shall recommend appropriate modifications thereto, if any.

Cell phones/smartphone devices and any applicable accessories provided by the WCWSA remain the property of the WCWSA and shall be returned to the Executive Director upon termination of employment.

WCWSA issued cell phones/smartphone devices:

Executive Director
Director of Operations
WCWSA Board Chairman
Water/Meter (Laborer) Employees
Wastewater Employees

Effective Date: 01-01-19

Revision Date: 01-01-19

504A USE OF INFORMATION TECHNOLOGY

The WCWSA provides many of its employees with a variety of information technology resources and systems ("IT"). These IT systems include computers, computer programs, printers, fax machines, telephones, voice mail, and on-line capabilities such as e-mail and the Internet. The WCWSA provides these IT systems in order to permit the delivery of better and more efficient services to the general public. These resources should be used for appropriate business purposes only. This policy applies to all users of the WCWSA's IT systems. It is intended to prevent the illegal and/or improper use or abuse of the WCWSA's IT systems. No contractual rights are created by the existence of this policy. Use of any of the WCWSA's IT systems by any employee shall constitute acceptance of the terms of this policy and of any future amendments.

Employee Responsibilities. It is the responsibility of all employees to read, understand and follow the terms of this policy. Employees are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of the WCWSA's IT systems. Any employee with questions about the application or interpretation of this policy should seek clarification from his or her Department Head or the Executive Director.

Acceptable Uses. Any use that is related to an employee's duties and responsibilities or which furthers a particular WCWSA goal in providing the public with better and more efficient services. Department heads are responsible for determining which personnel are authorized to use each IT system under the Department Heads purview.

Prohibited Uses.

1. Sending, receiving, downloading, displaying, forwarding, printing or otherwise disseminating material that is profane, obscene, harassing, fraudulent, offensive or defamatory.
2. Disseminating or storing destructive programs (viruses or self-replicating codes) or other unauthorized material.
3. Wasteful use of the WCWSA's IT systems by among other things, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, printing multiple copies of documents or otherwise creating unnecessary network traffic.
4. Using or copying software in violation of a license agreement or copyright.
5. Intercepting communications intended for other persons, except for any limited purposes set forth herein.
6. Gaining or attempting to gain unauthorized access to any computer or network.
7. Violating any international, federal, state or local law.
8. Conducting a private business.

9. Transmission of materials used for commercial promotion, product endorsement or political lobbying.
10. Using or attempting to use a username or password assigned to another person, or pose as another user without express authorization for business purposes.

Data Confidentiality. As is more fully discussed below, email messages dealing with official WCWSA business are generally considered to be public record information. Email messages can be stored, copied, printed or forwarded by any intended or unintended recipient; therefore employees should not expect their e-mail messages to be either private or confidential. Some employees may, as part of their job, have access to confidential or proprietary information such as personal data about identifiable individuals or commercial information about business organizations. Employees are strictly prohibited from acquiring access to and /or disseminating such confidential information unless access to and/or dissemination of such information is authorized and required by their jobs.

E-Mail and Public Record Law. E-mail messages concerning official WCWSA business are generally considered public record information that is subject to disclosure under the New York public records law. All employees shall retain either a printed or digital record of official WCWSA e-mails sent or received by the WCWSA's systems, in the same manner that other paper records are kept by their department, and in accordance with any record retention schedule requirements.

E-Mail Etiquette. Employees are expected to use their access to electronic mail in a responsible, informed, professional manner. Unsolicited email should never be opened. The user should delete the message immediately. Never open an attachment, especially if you do not know the source. Confidential information should never be sent via e-mail.

Security. All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out under his/her username, and should take all reasonable precautions to have passwords be kept confidential at all times. Employees should endeavor to create passwords that are unique and not easily discoverable. For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time.

Privacy. All IT systems are the property of the WCWSA and must be used in conformance with this policy. Since the WCWSA owns these resources, employees are advised that they should have no expectation or guarantee of privacy when using them, whether their use takes place during or outside of working hours. The WCWSA reserves the right to monitor the use of all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee of the WCWSA by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems, including video conference platforms (ex. Zoom or Teams) at any and all times by any lawful means, and for any purpose, including but not limited to, the need for supervision and/or proper operation of the workplace.

Referral to Information Technology. All matters relating to unusual computer or electronic occurrences must be reported immediately to the employee's Department Head or the Executive Director. Record information such as steps taken and warnings from the computer to aid in diagnosing the situation.

Data Breach Response. As soon as a theft, data breach or exposure containing protected data or sensitive data is identified, the process of removing all access to that resource will

begin. The Executive Director will decide how to communicate the breach to: a) internal employees, b) the public, and c) those directly affected.

Other Policies. Employees shall be responsible for complying with all other WCWSA policies and procedures concerning information technology and cyber security issues.

Violations. Any employee who violates this policy or uses the WCWSA's IT systems for inappropriate purposes shall be subject to disciplinary action, up to and including suspension and/or termination. Employees who discover a violation of the policy by another employee are obligated to report it to their supervisor or the Executive Director. Illegal use of the WCWSA's IT systems may result in referral to law enforcement authorities.

Effective Date: 06-20-02

Revision Date: 03-01-11

504B INTERNET USE

Employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, e-mail can provide excellent means of communicating with other employees, our customers and clients, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment.

If you abuse your right to use the Internet, it may be taken away from you. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

Applicability. This policy applies to an Employee's use of the internet on WCWSA provided computers, smartphones and other internet-capable phones, devices, or equipment.

No expectation of privacy. The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the WCWSA and may only be used for business purposes.

Monitoring computer usage. The WCWSA has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

Blocking of inappropriate content. The WCWSA may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by the WCWSA networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to company blocking software.

Prohibited activities. Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law), or in violation of the WCWSA's equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in the WCWSA's computers. Employees encountering or receiving this kind of material should immediately report the incident to the Executive Director. If you are unsure about whether certain material is prohibited, please contact your Department Head or the Executive Director.

Games and entertainment software. Employees may not use the WCWSA's Internet connection to download games or other entertainment software, including wallpaper and screen savers, or to play games over the Internet.

Social Media Sites. Employees may not use the WCWSA's Internet connection to post or visit social media websites unless necessary for business purposes.

Effective Date: 10-01-04

Revision Date: 03-01-11

504C EMAIL USE

All electronic communications and information composed, transmitted, received or archived in the WCWSA's computer network, including, but not limited to, WCWSA provided smartphones and other internet-capable phones or devices, are the property of the WCWSA. All electronic mail or transmissions or usage by an employee of the WCWSA of any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems, including video conference platforms (ex. Zoom or Teams) may be subject to monitoring at any and all times by the WCWSA by any lawful means.

The use of e-mail through the WCWSA's computer network is primarily for business purposes. Incidental personal use of e-mail is permitted, provided that it does not interfere with an employee's job responsibilities and otherwise complies with this policy.

E-mail should be treated as a formal document with proper business standards being followed. Spelling, grammar and punctuation must be checked.

E-mail may not be used to compose, transmit or receive offensive or harassing messages. Among other things, e-mail may not be used to compose, transmit or receive messages regarding pornography, sexual materials, violence, racism or any illegal activity. E-mail may not be used to send or receive copyrighted materials, trade secrets, proprietary information, or similar materials without prior authorization.

Effective Date: 01-01-19

Revision Date: 01-01-19

504D SOCIAL MEDIA USE POLICY

The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet-based applications that allow for the creation and exchange of user-generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, LinkedIn, Instagram, Flickr, Snapchat, YouTube, web blogs, and web-based wikis whereby users can add, modify, or delete their content via a web browser or mobile software application.

Usage During Working Hours – Unless the use of Social Media is pertinent to WCWSA business and authorized by a Department Head, employees are prohibited from using Social Media during working hours. This applies regardless of whether or not such usage occurs on WCWSA-owned computers or communication equipment or a device personally owned by the employee.

Usage During Meal and Rest Breaks – Employees are responsible for exercising good judgment when using WCWSA-owned computers or communication equipment to access Social Media sites while on a meal and rest break. The WCWSA's right to monitor communication systems and equipment also applies to the use of Social Media if employees are using WCWSA computers or communications systems.

Posting Content on Social Media (regardless of point of access) – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not WCWSA-owned, as well as those that are WCWSA property. This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the WCWSA that is not otherwise deemed accessible to the general public under the Freedom of Information Law.
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the WCWSA or its employees or Board of Directors,
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the WCWSA, or while wearing WCWSA uniforms – the only exception to this

rule is when it is directly pertinent to WCWSA business and such posting, uploading, or sharing of images is authorized in advance by the Executive Director.

- Representing that an opinion or statement is the policy or view of the WCWSA, or of any individual acting in his or her capacity as a WCWSA employee or official, or otherwise on behalf of the WCWSA, when that is not the case.
- Posting anything in the name of the WCWSA or in a manner that could reasonably be attributed to the WCWSA without prior written authorization from the Executive Director.
- Using the name of the WCWSA or a WCWSA e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with WCWSA policies pertaining to, but not limited to, Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not WCWSA-owned.

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right, if any, to appropriately engage in protected concerted activity under applicable law. WCWSA employees have the right to engage in or refrain from such activities as they choose.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the appropriate Department Head or the Executive Director. Once the Department Head or Executive Director is informed of the violation, a formal investigation, consistent with this Employee Handbook and/or applicable law, will begin.

Disciplinary Action – An employee who violates this policy will be subject to disciplinary action up to and including termination of employment

Effective Date: 07-16-97

Revision Date: 02-11-22

505 SMOKING

In accordance with Article 13-E of the New York Public Health Law, smoking shall not be permitted in any indoor areas of the WCWSA. This includes but is not limited to hallways, meeting rooms, cafeterias, private and non-private offices, company vehicles and other areas designated by the Authority. Smoking tobacco, including the use of smokeless tobacco products and "electronic cigarettes" or "e-cigarettes," is allowed only in designated areas outside the building. The smoking of cannabis by employees is prohibited on WCWSA grounds at all times.

"Smoking" signs, "No Smoking" signs, or the international "No Smoking" symbol, are prominently posted and properly maintained where smoking is regulated.

This policy applies to all employees, suppliers, visitors, and customers. Individuals violating this policy will be reminded of the law and asked politely to proceed to a designated outside area to smoke (except where smoking outside is prohibited). An employee may be subject to disciplinary action, up to and including termination, for violating this policy.

Violations of this policy should be reported to the Executive Director. Should you have any questions regarding this policy, please contact the Executive Director.

Effective Date: 07-16-97

Revision Date: 03-01-11

506A REST AND MEAL PERIODS

Each workday, full-time non exempt employees are provided with two rest periods. Department Heads will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time non exempt employees shall also be provided with one thirty minute meal period each workday between 11 a.m. and 2 p.m. In addition, if an employee starts a shift before 11 a.m. and continues after 7 p.m., the employee is allowed an additional twenty minute meal period between 5 p.m. and 7 p.m. Department heads will schedule meal periods to accommodate operating requirements. Since employees will not be compensated for meal periods, employees shall be completely relieved of all job duties and shall perform no work whatsoever during this time. Even minor work-related interruptions are not permitted. In the event a meal period is missed or if an employee has worked any amount of time during his/her meal period, the employee must immediately report the same to his/her supervisor or Department Head in order to ensure that the employee is properly compensated for any time worked.

Effective Date: 01-01-19

Revision Date: 06-27-23

506B Breaks for Nursing Employees to Express Breast Milk

The WCWSA supports breastfeeding employees by accommodating the employee who wishes to express breast milk during the workday when separated from the child. Employees returning to work following the birth of a child may take unpaid break time for the purpose of expressing breast milk for up to three years following the birth.

Employees wishing to do so must provide advance written notice, preferably before returning to work, to their Department Head so that a break schedule can be established and a designated room or other location can be identified for use to express breast milk. The WCWSA will respond to any request for breaks to express breast milk within five (5) business days.

In most circumstances, employees may take up to a twenty (20) minute leave once every three hours, or when reasonably needed. Employees may take a shorter break period. Employees may take up to a thirty (30) minute leave if a lactation area is not near the employee's work area. An employee may be required to postpone a scheduled break for up to thirty (30) minutes if the employee cannot be spared from her duties until coverage is available. Employees may choose to express breast milk during paid break or meal periods in lieu of using unpaid break times.

Employees may also work before or after their normal shift to make up the amount of time used during unpaid breaks as long as the additional time falls within the WCWSA's normal work hours. The WCWSA will make reasonable efforts to provide an appropriate location for the expression of breast milk. Expressed milk may be stored in refrigeration if access to refrigeration is available in the workplace. Employees are required to store all expressed milk in closed containers and to bring it home each evening.

Complaint Procedure

An employee who is subjected to any conduct that is believed to violate this policy may contact the Department Head, who will ensure that a prompt investigation is conducted and take prompt corrective action, if appropriate.

No Retaliation

WCWSA expressly prohibits any form of discipline, reprisal, intimidation, retaliation, or discrimination against any individual for requesting or taking lactation breaks, or filing a complaint for violations of this policy, the Fair Labor Standards Act, or applicable New York or local law. WCWSA is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. However, the effectiveness of WCWSA's efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Department Head. If employees do not report retaliatory conduct, WCWSA may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Effective Date: 07-16-97

Revision Date: 01-01-19

507 OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the department head's prior authorization.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non exempt employees in accordance with federal and state laws at the following rate:

One and one half times the regular rate of pay for all hours worked over 8 in a workday.

EXCEPTION: When summer hours or another pre-approved alternate work schedule is in effect, over time will be paid only when hours worked exceed the daily scheduled hours set by the Executive Director.

Regardless of hours worked per day, any hours worked over 40 in a work week are still entitled to overtime pay per New York State Labor Law.

When non exempt employees are called in to work other than regular working hours, they shall be paid a minimum of 1 hour call in time at the employee's time and half regular rate.

Designated non exempt employees will be assigned weekend and holiday on-call duty by the Director of Operations. They shall be paid two hours compensation per day for being on call at the employee's time and half regular rate. If they get called in, they will be paid time and a half their regular rate for all time actually worked.

****NOTE:** Paid absences, including holidays, vacation days and other paid days off shall be counted as hours worked when calculating overtime.

Effective Date: 12-18-96

Revision Date: 03-01-11

508A USE OF EQUIPMENT AND VEHICLES

It is the policy of WCWSA that WCWSA vehicles are to be used for WCWSA business only. WCWSA business includes but is not limited to: normal workday duties; on call duties outside of normal workday hours; WCWSA emergencies; WCWSA Board, planning and other WCWSA meetings. Employees operating WCWSA vehicles are required to provide the WCWSA with (1) proof of a valid driver's license and (2) immediate notice as to any changes regarding the employee's driving privileges.

No unauthorized personnel are allowed in WCWSA vehicles without prior approval by the appropriate department head.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations, can result in a disciplinary review action or termination of employment. Employees are solely responsible for all costs relating to traffic or parking violations due to the employee's negligence.

The WCWSA reserves the right to monitor employees' driving records using New York State's LENS (License Event Notification Service) or a similar system which monitors and reports the expiration, suspension or revocation of driver's license, traffic convictions, and reportable accidents.

Effective Date: 03-01-11

Revision Date: 01-01-19

508B WATER AUTHORITY OWNED VEHICLES

The WCWSA recognizes that certain WCWSA employees may be assigned WCWSA owned vehicles in order to meet their job responsibilities. These employees are on call on a round-the clock basis and are authorized to drive these vehicles to their home residence.

The Executive Director and/or the Board of Directors must approve all "take home work vehicle" users either on an interim or full time basis. Criteria that will be considered in assigning a vehicle include: overall supervisory responsibilities, on call and emergency response duties, and health/safety responsibilities. Job titles that may be assigned WCWSA owned vehicles will be maintained in the Accounting Manager's office and will be reported to the Board of Director's annually. The WCWSA recognizes that due to changing WCWSA needs and personnel, the job titles on the list may be modified throughout the year in accordance with the criteria set forth above.

As with any WCWSA owned equipment, employees must take proper care of vehicles and take all reasonable precautions against damage, loss or theft. Any damage, loss or theft must be reported immediately to the WCWSA. If appropriate, the WCWSA may seek reimbursement from the employee for damage or loss.

WCWSA owned vehicles are for business purposes. The WCWSA does not allow the employee to use the vehicle for personal purposes other than for commuting or *de minimis* personal use (i.e., stopping for a personal errand on the way between a business location and the employee's home).

For those employees provided with a vehicle per employment contract, there is a value associated with using a WCWSA issued vehicle. Per IRS regulations, a commuting value of \$1.50 is associated with each one-way commute to work and home, and vice-versa. In the event that the IRS changes the commuting value, the WCWSA shall adopt the new IRS rate as of the effective date. This amount will be taxable and included in the employee's wages. For additional details regarding the commuting rule, refer to IRS Publication 15-B, "Commuting Rule".

All operators of WCWSA owned vehicles shall operate the vehicle in a safe and lawful manner. These operators shall operate the vehicle in accordance with N.Y.S. traffic laws. All operators shall notify the Executive Director of any change in status of their driver's license.

WCWSA employees issued WCWSA owned vehicles:

Executive Director (1)
Director of Operations (1)
Meter Foreman (1)
Chief Plant Operator (2)
Regional Responders (4)

Effective Date: 07-16-97

Revision Date: 03-01-11

509 MILEAGE & TRAVEL EXPENSES

All WCWSA officials and employees may be authorized to be reimbursed for the use of personal vehicles while on WCWSA business. All travel shall have prior approval of the appropriate Department Head, or the Executive Director. The WCWSA Board shall authorize travel by the Supervisor and Board members.

The mileage allowance for the authorized use of a personal vehicle shall be at the same rate as the Internal Revenue Service (IRS) fixed mileage allowance. In the event that the IRS changes its current fixed mileage allowance, the WCWSA shall adopt the new IRS rate as of the effective date. The current mileage allowance rate may be obtained by contacting the Accounting Office.

Tolls and parking charges will be reimbursed in addition to the mileage allowance. Receipts will be required to reimburse these expenses.

Wherever practical, WCWSA vehicles will be used by officials and employees. By authorizing use of privately owned vehicles, Executive Director, Director of Operations or WCWSA Board Members are certifying that WCWSA transportation is not available.

Detailed record logs should be kept on each trip showing date, mileage, purpose of trip, and destination. This information should be attached to a properly completed and approved voucher to be submitted to the WCWSA Board for approval of payment.

The WCWSA will reimburse employees for reasonable actual business expenses incurred while on assignments away from the normal work locations. All business travel must be approved in advance by the WCWSA Board.

Effective Date: 06-27-23

Revision Date: 06-27-23

510 CREDIT CARD USE POLICY

The Wayne County Water & Sewer Authority (WCWSA) recognizes that credit card accounts may be necessary for the conduct of WCWSA business. However, the WCWSA also recognizes that credit card accounts must be carefully monitored to prevent the possibility of fraud and abuse. All cards are the property of the Authority and shall be returned upon request from the Accounting Manager or upon separation from employment, as applicable.

All WCWSA issued credit card accounts may only be used for legitimate WCWSA business purposes. Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or violate the intent of this policy will be required to be reimbursed to the WCWSA for the purchase within thirty (30) days. Prohibited and unauthorized purchases include but are not limited to: personal items and personal services; alcohol; recreational drugs; cash advances; purchases which would violate the Authority's procurement or ethics policies, or any other Authority policy, or state or federal law or regulation.

A violation of this policy may also result in revocation of card use privileges and discipline of the employee up to and including possible termination of employment, depending upon the severity and repeat nature of the offense. Illegal or fraudulent use of credit cards may also be reported to law enforcement and may result in criminal charges. Credit card accounts may not be used to circumvent WCWSA procurement policies and shall be made in accordance with said policies.

COMMERCIAL/STORE ISSUED CREDIT CARD USE POLICY

Commercial/store issued credit card users must submit detailed documentation of the approved use to the Accounting Manager, including itemized receipts for expenses which have been incurred in connection with WCWSA related business for which the credit card has been used. The Accounting Manager will review all purchases and reconcile the credit card statements monthly to the detailed documentation and receipts. Expenses incurred on each charge card shall be paid in such a manner as to avoid interest charges.

Commercial/store charge cards shall be signed out from the Accounting Manager before use and the purpose of the use shall be identified at the time of sign-out. Cards will otherwise be kept in a secure place in the administrative office, along with a list of authorized individuals who are allowed use of the credit cards. This list shall be reviewed and approved annually by the Executive Director. Commercial/store credit cards shall only be released for use only at the time when the purchase is to be made and shall be returned immediately after completion of purchase or as soon thereafter as reasonably practicable (ex. upon return to the office). All cards shall be signed-in upon return to the Accounting Manager, and shall only be signed-in by the individual who signed out the card.

Physical cards shall not be used, added, or uploaded into any form of digital wallet or payment platform (ex. Google Pay, Apple Wallet, etc.).

While signed out the card shall remain in the sole control or possession of the individual who signed out the card. Lost or stolen cards shall be reported to the Accounting Manager immediately upon discovery of being lost or stolen.

Examples of existing forms of commercial/store issue credit accounts are:

- *Lowe's*
- *Tractor Supply*
- *Tops*

BANK CREDIT CARD POLICY

The Wayne County Water & Sewer Authority maintains a single corporate credit card account with a limit of \$15,000 as an ongoing option for staff to use for emergency purchases and purchases for which other forms of payment are impossible, impractical, or likely to result in unreasonable delays between the purchase of a good or service and its receipt.

Bank credit cards are to be used for approved Authority purchases only.

Three cards shall be issued, with one card assigned to each of the following:

1. Executive Director
2. Accounting Manager
3. Executive Administrative Assistant

Limitations:

The Executive Director may make, or authorize designated additional users to make, individual charges up to \$10,000.

The Accounting Manager and Executive Administrative Assistant may make or authorize individual charges up to \$2,500 unless there is consent from the Executive Director for higher purchases.

Bank credit card purchases will be limited to:

- The purchase of Authority approved conference/travel related expenses
- Approved Authority material purchases made through Authority accounts
- Approved Authority supplies for programs, building maintenance and materials processing that are within the limitations of the budget
- Postage and shipping related expenses
- Other spending authorized by the Executive Director

Each person issued a bank credit card must complete, sign, and date the Authority Credit Card Use Agreement. The completed agreements should be kept on file by the Accounting Manager with a copy forwarded to the Executive Director.

Bank credit card purchases must be submitted on an Authority expense report for all incurred expenses and must be turned in promptly. Receipts and bills must be attached to the form, and these materials are to be submitted to the Accounting Manager. To the extent applicable, the above commercial/store issued credit card use policy shall apply also to bank credit card uses.

Effective Date: 07-16-97

Revision Date: 03-01-11

601 MEDICAL LEAVE

The WCWSA provides medical leaves of absence without pay to eligible employees who are temporarily unable to work due to a medical disability. For purposes of this policy, medical disabilities include, but are not limited to, temporary disabilities associated with pregnancy, childbirth, disabilities related to long term illness, emotional disorders, or surgeries.

Employees in the following employment classification are eligible to request medical leave as described in this policy:

Full-time employees

As soon as eligible employees become aware of a need for a medical leave of absence, they should request a leave from their department head. A physician's statement must be provided verifying the medical disability and its beginning and expected ending dates. Any changes in this information should be promptly reported to the employer. Employees returning from medical leave must provide a physician's verification of their fitness to return to work.

Eligible employees are normally granted leave for the period of the disability, up to a maximum of 180 calendar days. With the department head's approval, employees may take any available paid sick leave or vacation leave as part of the approved period of leave.

Subject to the terms, conditions, and limitations of the applicable plans, The WCWSA will continue to provide its portion of health insurance benefits for the full period of the approved medical leave.

Employees who sustain work related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

Vacation, sick leave, and holiday benefits, will continue to accrue during the approved medical leave period, except if an employee is terminated as a result of the employee's inability to return to full time employment.

When a medical leave ends, every reasonable effort will be made to return the employee to the same position, if the employee's position is still available, or to a similar position for which the employee is qualified. However, the WCWSA cannot guarantee reinstatement if the employee's position has been filled during the medical leave period.

If an employee fails to report to work promptly at the end of the medical leave, the WCWSA will assume that the employee has resigned.

Effective Date: 07-16-97

Revision Date: 03-01-11

602 PERSONAL LEAVE

Full time employees are given 2 days personal leave per year which may be used to attend to personal business. All personal leave taken shall have prior approval of the Department Head, or the Executive Director.

Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

In the event that available personal leave is not used by the end of the benefit year, employees will forfeit the unused time.

Effective Date: 07-16-97

Revision Date: 01-01-19

603 MILITARY LEAVE

A military leave of absence will be granted to employees to attend scheduled drills or training or if called to active duty with the U.S. Armed Services.

The leave will be unpaid. However, employees may use any available accrued paid time off for the absence.

Subject to the terms, conditions and limitations of applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the WCWSA for the full term of the military leave of absence.

Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence.

Employees on two week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reemployment in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

The WCWSA also provides up to ten days of unpaid leave to covered employees whose spouses are members of the United States armed forces, National Guard, or reserves who have been deployed during a period of military conflict, to a combat theater or combat zone of operations, when the military spouse is on leave from such deployment. Covered employees include all employees who work twenty or more hours per week. This does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head or the Executive Director.

Employees are expected to inform their Department Head of their need for military or spousal leave as far in advance as possible. Employees also must submit a copy of the military orders.

For more information on the Military Leave policy, please see the Accounting Manager.

Effective Date: 07-16-97

Revision Date: 03-01-11

604 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act allows eligible employees to take up to a total of 12 work weeks of unpaid leave during a 12-month period for certain family or medical needs (referred to in this policy as "FMLA leave"). This policy describes your right to obtain FMLA leave and how this leave relates to the Authority's other benefits. Special rules may apply for key employees and married couples employed by the Authority.

Eligibility: You are eligible to take FMLA leave if, at the time your leave begins, you have been employed by the Authority for at least one year and you have worked at least 1,250 hours in the preceding 12-month period.

Reasons for Leave: You may take FMLA leave for any of the following purposes:

- the birth of your child or the placement of a child with you either through adoption or foster care;
- to care for your spouse, parent or child who has a serious health condition;
- to care for yourself because of a serious health condition.

Amount and Crediting of Leave: At the time you request FMLA leave you are entitled to take up to a maximum of 12 workweeks less the total of any FMLA leave you have already taken in the previous 12 month period. Leave for the birth or placement of a child must be taken all in one block and must be taken within one year of the birth or placement. Leaves for other purposes may be taken intermittently or on a reduced hour basis but only to the extent medically necessary.

If at the time you request leave you have unused vacation or leave time, you will be required to apply those days before you can take unpaid FMLA leave. Both paid and unpaid leave, like personal leave, will count toward your 12 work weeks leave allotment.

FMLA leave Due to a Call to Active Duty: Eligible employees may take 12 weeks of FMLA leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. Leave may be used for any "qualifying exigency" arising out of the service member's current tour of active duty or because the service member is notified of an impending call to duty in support of a contingency operation.

Caregiver Leave for an Injured Servicemember: Eligible employees may take up to 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

Maintenance of Group Health Benefits During Leave: While you are on leave you may continue in the Authority's group health plan in the same manner and under the same terms and conditions as active employees. Your normal share of the plan costs must be paid

during your leave. If you are receiving short term disability benefits, your premium deductions will be taken out of your benefit distribution; otherwise, you will be billed monthly for your portion of the benefit premiums. You may also pay for your anticipated health premiums on a pre-tax basis by accelerating your payments and taking them out of any paycheck you have earned prior to taking the leave.

Procedures: In general, you must notify the Executive Director 30 days before your FMLA leave is to begin. If this is not practicable, you must give as much advance notice as possible. You will be required to complete an Application for Family/Medical Leave and, if applicable, a Medical Certification and provide sufficient information to explain the reason for the needed leave.

For medical purposes only, you may request intermittent or reduced hours leave, as opposed to taking all your leave in one block. However, you must schedule the leave so as to minimize the disruption to your work schedules and assignments. The Authority may reassign you to another position having equivalent pay and benefits if it will better accommodate your recurring absences for intermittent or reduced hours leave.

If you are able to provide advance notice, you must follow the usual and customary call-in procedures for reporting an absence, absent unusual circumstances.

Medical Certification: All leave involving a serious health condition of the employee or a family member requires medical certification from a health care provider. In the event you use FMLA leave for your own care, your health care provider must also certify either that you cannot perform any job or that you cannot perform the essential functions of your own job. The Authority has the right to obtain a second opinion on the need for you to take FMLA leave. Medical certification forms are included in the application for leave and are available from your benefits representative. You may be required to provide periodic re-certifications at reasonable intervals, and you may be required to provide a new medical certification each leave year for conditions that last longer than a year.

Returning to Work: When you are able to return to work, the Authority will restore you to your same job or an equivalent position. Before you can return, the Authority may require you to submit a certificate of fitness from your health care provider to the effect that you are able to resume your former duties with the Authority. If you fail to return to work, and there are no extenuating circumstances, the Authority may require you to pay its share of the health care premium payments it paid on your behalf during the leave.

This policy is intended to implement and not supplement the Authority's obligations under the Family and Medical Leave Act. Nothing in this FMLA leave policy insulates you from the application of any other policies, e.g., while on FMLA leave you remain subject to all changes that may occur in the Authority's group health insurance and are subject to all other employment related policies of general applicability including reduction in the work force.

Effective Date: 01-01-19

Revision Date: 01-01-19

605 LEAVE FOR BLOOD AND BONE MARROW DONATION

Blood Donation

In compliance with New York State law, WCWSA provides covered employees with three hours of unpaid leave in any twelve month period for the purpose of donating blood away from the workplace. Covered employees include all employees who work twenty or more hours per week.

Employees must notify their Department Head of their intent to take leave at least two working days prior to the day of leave. Employees taking blood donation leave must provide proof of their blood donation in the form of a notice of blood donation or a good faith effort at blood donation from the blood donation center or other sufficient proof. Employees may choose to use excused absence time or accrued paid vacation for all or part of the leave taken to donate blood.

Bone Marrow

In compliance with New York State law, WCWSA also provides covered employees up to twenty-four hours of total unpaid leave to undergo a medical procedure to donate bone marrow. Covered employees include all employees who work twenty or more hours per week.

Employees taking bone marrow donation leave must provide verification by a physician for the purpose and length of each leave requested by the employee to donate bone marrow.

Employees must notify their Department Head of their intent to take leave at least two working days prior to the day of leave in the event that the bone marrow donation is scheduled. All notices of intent to donate bone marrow must be in writing.

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Revision Date: 01-01-19

606 LEAVE FOR CANCER SCREENING

The WCWSA complies with New York State law which entitles all employees to paid leave to undertake screening for cancer of any kind. This leave will not be charged against any available sick, vacation, personal, compensatory, or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening for cancer. Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow-up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

An employee must receive prior approval from the employee's Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g., sick, personal, vacation, etc.) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

Effective Date: 01-01-19

Revision Date: 01-01-19

607 WITNESS AND VICTIMS OF CRIME LEAVE POLICY

WCWSA acknowledges that, on occasion, employees may have an obligation to participate in criminal legal proceedings either as a witness or because the employee was victimized by a criminal act. The WCWSA authorizes unpaid leave to attend those proceedings under circumstances described in this policy.

If you are required to attend a criminal proceeding either as a witness or as a crime victim, you must inform your Department Head as soon as possible and at least one day before taking leave to make arrangements for a leave of absence. WCWSA reserves the right to require employees to provide proof of the need to attend the criminal proceedings to the extent authorized by law.

You are expected to return to work if you are excused from the criminal proceedings during regular working hours or released from the criminal proceeding earlier than expected. This policy does not extend leave to employees seeking leave because they have committed or are alleged to have committed a criminal act.

Retaliation for an employee's taking leave permitted under this policy is strictly prohibited.

An employee who abuses this policy will be subject to disciplinary action, up to and including termination of employment.

Effective Date: 03-01-11

Revision Date: 02-11-22

701 EMPLOYEE CONDUCT AND WORK RULES

To assure orderly operations and provide the best possible work environment, the WCWSA expects employees to follow rules of conduct that will protect the interests and safety of all employees and the WCWSA.

It is not possible to list all the forms of behavior that are considered unacceptable in the work place. The following are some examples of infractions of rules of conduct that may result in discipline up to and including termination of employment. This list is not all inclusive, and management reserves the right to discipline or terminate employees for reasons not listed. Department heads may establish additional examples of infractions of rules of conduct for their areas.

- Theft or inappropriate removal or possession of property
- Falsification of time keeping records
- Working under the influence of alcohol or illegal drugs, including being impaired through cannabis use
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the work place, while on duty, or while operating WCWSA vehicles or equipment
- Fighting or threatening violence in the work place
- Boisterous or disruptive activity in the work place
- Negligence or improper conduct leading to damage of WCWSA or taxpayer property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Refusing to abide by safety measures (i.e. – wearing safety boots, hats, glasses, etc)
- Smoking in prohibited areas
- Sexual or other unlawful harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail system, or other WCWSA equipment
- Violation of personnel policies

- Unsatisfactory performance or conduct

Effective Date: 07-16-97

Revision Date 03-01-11

702 TERMINATION OF EMPLOYMENT

Employment with the WCWSA is at the mutual consent of the WCWSA and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice, subject to Civil Service restrictions, if applicable.

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Revision Date 02-11-22

703 DRUG - FREE WORKPLACE

The WCWSA and its officials recognize that substance abuse poses a serious societal problem. We will continue our policy of maintaining a work environment that is free of substance abuse to protect the safety of the public with whom we interact and the employees with whom we work. We therefore state the following as our policy on a drug and alcohol free workplace.

Any unlawful manufacture, distribution, dispensing, possession or use of a controlled or illegal substance, including recreational cannabis, during the course of work or while on WCWSA property or work site is prohibited.

While the use of cannabis has been legalized under state law for medical uses and for recreational use, it remains an illegal drug under federal law. Use of cannabis by an employee may subject an employee to discipline or discharge if such use by the employee results in employee impairment in the workplace, and/or if such use is prohibited by any applicable state or federal regulation or contract. "Impairment" in this context means articulable symptoms while working that decrease or lessen the employee's performance of job duties or that interfere with WCWSA's obligation to provide a safe and healthy workplace.

The use or possession of alcoholic beverages on WCWSA property or work site is prohibited with the exception of (a) special events or ceremonies where approval has been granted by the Board, or (b) permits granted pursuant to Section 17 of the Wayne County Parks Law.

No employee shall work or report to work while under the influence of alcohol or illegal substances.

The WCWSA will provide, on a continuing basis, information on alcohol/substance abuse, as well as information on the attendant health and safety hazards.

Any employee with an alcohol/substance abuse problem is urged to seek help and may obtain information regarding available treatment programs from the Wayne County Personnel Office or the Wayne County Community Counseling Center.

Any employee who is convicted of a violation of an alcohol related/criminal drug statute, which occurred at the workplace, or during the course of work, shall notify their department head within five days of the conviction.

Employees violating these policies shall be subject to criminal, civil, and disciplinary penalties as provided by existing statutes and relevant contract provisions.

Distribution, purchase, sale or attempted purchase or sale of a controlled substance, including recreational cannabis, at the workplace will, without exception, result in actions to terminate the employee involved.

All employees shall be made aware of and provided with a copy of this policy.

The Drug-Free Policy shall be posted in each Department.

Effective Date: 07-16-97

Revision Date: 06-27-23

704 NON-DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)

Purpose and Goals

It is the policy of the WCWSA to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the WCWSA is committed to educating employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates, or shows hostility or aversion towards a person on the basis of race, color, creed, religion, sex (including pregnancy, childbirth and related conditions), national origin or ancestry, citizenship status, military status or veteran status, age, mental or physical disability, marital status, sexual orientation, gender, gender identity or expression, genetic information or predisposing genetic characteristics, political affiliation, prior arrest, conviction records, being a victim of domestic violence, stalking or sex offenses, or any other protected status is strictly prohibited. In short, the WCWSA will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace.

Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the WCWSA recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. The purpose of this policy is to teach employees to recognize all forms of discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent discrimination and harassment in the workplace. This policy is one component of the WCWSA's commitment to a discrimination-free work environment.

Goals of this Policy:

Discrimination and harassment, including sexual harassment, are against the law. After reading this policy, employees will understand their right to a workplace free from discrimination and harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the WCWSA. Employees can also file a complaint with a government agency or in court under federal,

state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Discrimination and Harassment Prevention Policy:

1. This policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the WCWSA. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the WCWSA.

2. Discrimination and sexual harassment are unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, creed, religion, sex (including pregnancy, childbirth and related conditions), national origin or ancestry, citizenship status, military status or veteran status, age, mental or physical disability, marital status, sexual orientation, gender, gender identity or expression, genetic information or predisposing genetic characteristics, political affiliation, prior arrest, conviction records, being a victim of domestic violence, stalking or sex offenses, or any other protected status either directly or indirectly to another person. Harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting discrimination or harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Potential discipline for engaging in discrimination or harassment will depend on the degree of conduct and might include education and counseling. It may lead to suspension or termination when appropriate.

3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the WCWSA who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform the Department Head, supervisory personnel, or the Executive Director. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the WCWSA to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including Department Heads or supervisory personnel who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.

5. The WCWSA will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about

discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The WCWSA will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the WCWSA will act as required. Any employee who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by WCWSA's policies and procedures. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the WCWSA is empowered to take such action. In addition to any required discipline, the WCWSA will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Department Heads and supervisory personnel are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Executive Director or if the conduct involves the Executive Director, then any member of the WCWSA Board of Directors.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those employees operating remotely, in addition to sending the policy through email, it will also be available on the WCWSA's network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the WCWSA's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee'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 or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by 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. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:

- o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - o Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - * This can include sexual advances/pressure placed on a service industry employee by customers or clients.
 - o Subtle or obvious pressure for unwelcome sexual activities; or
 - o Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - o Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - o Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o 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;
 - o This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - o Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, or name-calling;
 - o Intentional misuse of an individual's preferred pronouns; or
 - o Creating different expectations for individuals based on their perceived identities:
 - * Dress codes that place more emphasis on women's attire;
 - * Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, customer, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

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 or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a discrimination or harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;

- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Reporting Discrimination or Harassment

Everyone must work toward preventing discrimination or harassment. Employees are encouraged to report incidents of discrimination or harassment (including sexual harassment) to the Executive Director verbally or in writing as soon as possible after their occurrence. If the Executive Director is the source of, or is involved in, the alleged discrimination or harassment, the employee should report the incident to any member of the WCWSA Board of Directors (a list of the Directors shall be posted on the employee bulletin board). Any person covered by this policy who believes they have been discriminated against or harassed or witnesses or becomes aware of potential instances of discrimination or harassment and would like to obtain guidance as to how to proceed in filing a complaint, should contact the Executive Director or any member of the WCWSA Board of Directors.

Department Heads and supervisory personnel also have a responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination.

Reports of discrimination or harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting discrimination or harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of discrimination or harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Reports or complaints made to persons other than the designated persons contained in this policy do not satisfy the complaint procedure of this policy. Nothing in this policy prevents an employee from asking a person to stop the conduct that the employee finds objectionable.

Supervisory Responsibilities

Department Heads and supervisory personnel have a responsibility to prevent harassment and discrimination. All Department Heads and supervisory personnel who receive a complaint or information about suspected harassment, observe what may be harassing or discriminatory behavior, or for any reason suspect that harassment or discrimination is occurring, are required to report such suspected activity to the Executive Director. Department Heads and supervisory personnel should not be passive and wait for an employee to make a claim of discrimination or harassment. If they observe such behavior, they must act.

Department Heads and supervisory personnel can be disciplined if they engage in harassing or discriminatory behavior themselves. They can also be disciplined for failing to report suspected harassment or discrimination, or allowing harassment or discrimination to continue after they know about it.

Department Heads and supervisory personnel will also be subject to discipline for engaging in any retaliation.

While Department Heads and supervisory personnel have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Department Heads and supervisory personnel must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing discrimination or harassment as a bystander is encouraged to report it. Department Heads or supervisory personnel that are bystanders to discrimination or harassment are required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the discriminatory or harassing conduct by engaging with the individual being harassed and distracting them from the offensive behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene;
3. A bystander can record or take notes on the incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing discrimination or harassment in the

workplace. Any employee witnessing such behavior as a bystander is encouraged to report it. A supervisor or manager that is a bystander to such conduct is required to report it.

Complaints and Investigations of Discrimination or Harassment

The Executive Director will convene with the WCWSA's Board of Directors in executive session to determine the appropriate individual(s) to conduct the investigation. All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation. The WCWSA will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in investigations.

The WCWSA recognizes that participating in an investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the Executive Director and the WCWSA Board of Directors, or their designated individual (collectively as the "investigator"):

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the investigator will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The investigator will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses. Any employee charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in his or her defense. Such information will be confidential to the extent possible;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).

5. Will keep the written documentation and associated documents in a secure and confidential location. Information concerning a complaint will not be released by the WCWSA to third parties or to anyone within WCWSA's employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Discrimination and harassment are not only prohibited by the WCWSA, but are also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report discrimination and harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the WCWSA does not extend your time to file with DHR or in court. The three years are counted from the 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 or sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring WCWSA to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the WCWSA. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically 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.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at the WCWSA and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. The New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender

identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

TRAINING: The Executive Director shall schedule periodic training programs for all personnel regarding what constitutes workplace discrimination and harassment, including sexual harassment, as well as the implementation of this policy and its procedures.

Wayne County Water & Sewer Authority
Complaint Form for Reporting Discrimination and Harassment

If you believe that you have been subjected to discrimination or harassment (including sexual harassment), you are encouraged to complete this form and submit it to the Executive Director. If the Executive Director is the source of, or is involved in, the alleged discrimination or harassment, you should submit this form to any member of the WCWSA Board of Directors (a list of the Directors shall be posted on the employee bulletin board).

Once you submit this form, WCWSA will follow its discrimination and harassment prevention policy and investigate any claims. If you are more comfortable reporting verbally or in another manner, your employer is still required to follow policy by investigating the claims.

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

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Preferred Communication Method:

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of discrimination/harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is discrimination or harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) discrimination/harassment occurred:

Is the discrimination/harassment continuing? Yes No

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

5. The last two questions are optional, but may help facilitate the investigation. Have you previously complained or provided information (verbal or written) about discrimination or harassment at WCWSA? If yes, when and to whom did you complain or provide information?

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state or local government agency? Yes No

Have you instituted a legal suit or court action regarding this complaint? Yes No

Have you hired an attorney with respect to this complaint? Yes No

I request that WCWSA investigate this complaint of discrimination/ harassment in a timely and confidential manner (to the extent possible) and advise me of the results of the investigation.

Signature: _____ Date: _____

Effective Date: 07-16-97

Revision Date: 03-01-11

705 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the WCWSA expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the WCWSA. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they must speak with their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Unexcused absences by non-exempt employees shall be at no pay unless the Department Head and the Executive Director find that the payment is warranted due to unusual circumstances.

Each Department Head, and others so authorized by the Executive Director, shall maintain a record of attendance for each employee. If there is persistent and unexcused absenteeism on the part of an employee, the Department Head may counsel the employee and duly record such counseling as set forth in the "Disciplinary Review" Policy.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. Without limiting the foregoing, the Authority shall be entitled to terminate the employee upon three consecutive days of an unexcused absence or in the case of repeated unexcused absences.

Effective Date: 07-16-97

Revision Date: 03-01-11

706 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All WCWSA property must be returned by employees on or before their last day of work or sooner if requested by WCWSA. The WCWSA may also take all action deemed appropriate to recover or protect its property.

Effective Date: 07-16-97

Revision Date: 03-01-11

707 SECURITY INSPECTIONS

Desks, lockers, cabinets, tool boxes, vehicles, and other storage devices may be provided for the convenience of employees but they remain the sole property of the WCWSA. The WCWSA does not normally inspect these areas, or the articles found within them, however, they, as well as any articles found within them, can be inspected by any agent or representative of the WCWSA at any time. The WCWSA may attempt to notify an employee of an inspection, but an inspection may be done without notice.

Effective Date: 07-16-97

Revision Date: 03-01-11

708 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by the WCWSA may not solicit or distribute literature in the work place at any time for any purpose.

The posting of written solicitations on WCWSA bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Affirmative action statement
- Employee announcements
- Internal memoranda
- Job openings
- WCWSA Board announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information

If employees have a message of interest to the work place, they may submit it to the department head for approval. All approved messages will be posted by the department head.

Effective Date: 07-16-97

Revision Date: 02-11-22

709A DRUG TESTING--EMPLOYMENT

Drug tests may be conducted in the following situation:

1. **POST-ACCIDENT** - Any current employee who is involved in a serious incident or accident while on duty, whether on or off the employer's premises, may be asked to provide a body substance sample.

Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described above may result in termination of employment.

2. **PRE-EMPLOYMENT/PRE-ASSIGNMENT TESTING**

A pre-employment controlled substance and alcohol test must be conducted before an individual is hired and when an individual is transferred/promoted from a non-safety-sensitive position to a covered position. This also applies to employees returning from paid or unpaid leave of thirty (30) days or more who have not been participating in the controlled substance and alcohol testing program and have not been subject to the random selection process. A negative test result is required prior to performing safety-sensitive duties.

All offers of employment are conditioned on the applicant submitting to and successfully completing and passing a substance and alcohol test. Nothing in this policy is superseded by employee protections from discrimination in hiring decisions pursuant to New York Labor Law Section 201-D or other applicable law.

3. **TESTING BASED ON REASONABLE SUSPICION**

Employees may be asked to submit to a substance and alcohol test if an employee's supervisor or other person in authority has a reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior, or other conduct and facts, that the employee is impaired by, possesses, or is otherwise under the influence of controlled substances, including cannabis, or alcohol, or both. Cannabis, remains illegal under federal law and, where it impairs an employee's ability to perform his or her job, is prohibited. Employees who take over-the-counter medication or other lawful medication that can be legally prescribed under both federal and state law to treat a disability should inform the Executive Director or his or her designee if they believe the medication will impair their job performance, safety, or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication.

Questions concerning this policy or its administration should be directed to the Executive Director.

Effective Date: 07-16-97

Revision Date: 03-01-11

709B DRUG TESTING--DEPARTMENT OF TRANSPORTATION (DOT)

I. PURPOSE:

The Wayne County Water & Sewer Authority recognizes that the use and/or abuse of alcohol or controlled substances by drivers of commercial vehicles and employees in safety-sensitive positions presents a serious threat to the safety of employees and the general public.

It is the policy of the WCWSA that employees who serve as drivers and/or in other safety-sensitive positions should be free of controlled substances and alcohol in compliance with the Omnibus Transportation Employee Testing Act of 1991.

The WCWSA will implement a controlled substances and alcohol testing program which will be designed to help reduce and avoid traffic accidents and injuries to our employees and the public, to discourage substance and alcohol abuse and to reduce other controlled substance and alcohol-related problems.

II. SCOPE & DEFINITIONS:

1.) Covered Employees:

All WCWSA employees whose job duties require the possession of a Commercial Drivers License (CDL) and who perform safety-sensitive functions associated with the operation of a commercial vehicle will be covered by this policy.

2.) Commercial Vehicle:

A commercial vehicle is a vehicle which:

- a.) has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds, or
- b.) has a gross weight rating of 26,001 or more pounds, or
- c.) is designed to carry 16 or more passengers including the driver, or
- d.) is of any size and is used to transport hazardous waste.

3.) Safety-Sensitive Function:

A CDL holder who performs any of the following activities associated with a commercial vehicle is considered to perform or to be performing a safety-sensitive function:

- a.) inspect, service or condition any commercial vehicle.
- b.) drive a commercial vehicle.

c.) load, unload, supervise or assist in the loading or unloading of a commercial vehicle, attend a commercial vehicle being loaded or unloaded, or give or receive receipts for shipments loaded or unloaded.

d.) spend time in or on a commercial vehicle (except time spent in a sleeper berth).

e.) inspect equipment as required by the Federal Motor Carrier Safety Regulations.

f.) repair, obtain assistance, or remain in attendance upon a disabled commercial vehicle.

III. PROHIBITED CONDUCT:

With regards to alcohol, * no CDL holder may:

a.) perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

b.) operate a commercial vehicle while possessing alcohol unless it is manifested and transported as part of a shipment. This includes the possession of prescription or over-the-counter medicines containing alcohol, unless the packaging seal is unbroken.

c.) use alcohol while performing safety-sensitive functions.

d.) perform safety-sensitive functions within four (4) hours after using alcohol.

e.) use alcohol for eight (8) hours after an accident requiring a post-accident alcohol test or until a post-accident alcohol test is administered, whichever occurs first.

f.) refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test.

*Alcohol includes the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol whether used for medicinal purposes or not.

With regard to controlled substances** no CDL holder may:

a.) perform a safety-sensitive function when the driver uses any controlled substance, except when the use is under the instructions of a physician who has advised the driver in writing that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle.

b.) refuse to submit to a post-accident, random, reasonable suspicion, or follow-up controlled substance test.

** For the purposes of this section, controlled substances include, but are not limited to cannabis, cocaine, amphetamines, opiates and phencyclidines.

IV. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT:

If a covered employee is found to have an alcohol concentration of .02 or greater, but less than .04, s/he shall not be allowed to perform or continue to perform safety-sensitive functions, including driving, for a period of not less than twenty-four (24) hours.

A covered employee shall be immediately removed from the performance of any safety-sensitive function related to a commercial vehicle, including driving, is s/he:

- a.) is found to be using or in possession of a controlled substance and/or alcohol while on duty.
- b.) is found to have an alcohol concentration of .04 or greater
- c.) consumes alcohol within eight (8) hours after an accident for which a breath test is required
- d.) tests positive for controlled substances, or
- e.) refuses to test for alcohol and/or controlled substances***

***A CDL holder is considered to have refused to submit to testing when s/he fails to provide adequate breath for alcohol testing without a valid medical explanation after having received notice of the requirement for breath testing; fails to provide adequate urine for controlled substance testing without a valid medical explanation after having received notice of the requirement for urine testing; engages in conduct that clearly obstructs the testing process.

S/he may not perform any safety-sensitive functions until:

- a.) he/she has been evaluated by a substance abuse professional (SAP)* who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controller substance use.

*Federal regulations require that the substance abuse professional (SAP) be either a licensed physician, certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission-NAADAC).

- b.) if the employee has been identified by a SAP as needing assistance in resolving problems associated with alcohol or controlled substances, s/he must be reevaluated by a SAP to determine whether s/he has complied with any rehabilitation program prescribed by the original evaluating SAP.

- c.) s/he has undergone a return-to-duty alcohol test with a result indicating a breath alcohol level of less than .02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved use of controlled substances.

If the covered employee has been identified by a SAP as needing assistance in resolving problems associated with alcohol or controlled substances, the employee will be subject to follow-up testing after returning to duty for a minimum of six (6) tests in the first twelve (12) months.

Any costs incurred after the initial evaluation performed by the SAP for rehabilitation services, return-to duty-testing shall be the responsibility of the employee.

If any employee has a positive alcohol or substance abuse test, s/he must be removed from safety-sensitive duty, pursuant to Federal Highway Administration regulations.

Any disciplinary actions taken as a result of a covered employee's engagement in prohibited conduct or other violations of the policy shall be administered in accordance with Civil Service Law and the WCWSA's Disciplinary Policy.

V. REQUIRED CONTROLLED SUBSTANCE AND ALCOHOL TESTS:

1.) Pre-Employment/Pre-Assignment Testing

A pre-employment controlled substance and alcohol* test must be conducted before an individual is hired and when an individual is transferred/promoted from a non safety- sensitive position to a covered position. This also applies to employees returning from paid or unpaid leave of thirty (30) days or more who have not been participating in the controlled substance and alcohol testing program and have not been subject to the random selection process. A negative test result is required prior to performing safety-sensitive duties.

All offers of employment are conditioned on the applicant submitting to and successfully completing and passing a substance and alcohol test. Nothing in this policy is superseded by employee protections from discrimination in hiring decisions pursuant to New York Labor Law Section 201-D or other applicable law.

2.) Post-Accident Testing

A post-accident test for alcohol and controlled substances must be conducted when either:

- a.) the accident involves a fatality; or
- b.) the driver receives a citation under state or local law for a moving traffic violation arising from the accident.

An accident for the purpose of this section is defined as an incident in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene.

The employee shall be tested for controlled substances as soon as possible but no later than thirty-two (32) hours after the accident. The employee shall also be alcohol tested within two (2) hours of the accident if possible but no later than eight (8) hours after the accident.

Nothing in the section should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

An employee who is subject to post-accident testing must remain available, or s/he may be considered to have refused to submit to testing. The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident, or until s/he submits to an alcohol test, whichever comes first.

3.) Random Testing

The primary purpose of random testing is to deter prohibited use of controlled substances and alcohol in order to ensure a substance-free workforce. Federal regulations require that covered employees shall be subject to controlled substance and alcohol testing on an unannounced and random basis.

The WCWSA shall conduct a number of controlled substance tests on all covered employees in accordance with the current drug testing program in effect with Wayne County/Wayne County Highway Department of which the Authority is a pooled participant.

An outline of the key aspects of the random testing selection process follows:

- a.) Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
- b.) Employees shall be selected for testing in a statistically random manner so that all persons within the group have an equal opportunity of selection on each occasion.
- c.) The process will be unannounced as well as random.

Employees will be notified that they have been selected for testing after they have reported for duty on the day of the collection.

4.) Reasonable Cause/Suspicion Testing

Reasonable cause/suspicion is designed to identify controlled substance and/or alcohol affected employees who may pose a danger to themselves and others in the performance of their duties.

Supervisory personnel must then make a decision as to whether there is reasonable cause to believe an employee is using or has used a controlled substance and/or alcohol. Supervisory personnel will be provided with training designed to identify the signs and symptoms of controlled substance and/or alcohol use.

The decision to test must be based on a reasonable belief that the employee is using a controlled substance and/or alcohol on the basis of specific, current, physical, behavioral, or performance indicators of probable controlled substance and/or alcohol use.

In making a determination of reasonable cause, the factors to be considered include, but are not limited to, the following:

- a.) Adequately documented pattern of unsatisfactory work performance, for which no apparent non-impairment related reason exists, or a change in an employee's prior pattern of work performance.
- b.) Physical signs and symptoms consistent with substance abuse.
- c.) Evidence of illegal controlled substance or alcohol use, possession, sale or delivery while on duty.

d.) Occurrences of a serious or potentially serious accident that may have been caused by human error or flagrant violations of established safety, security or other operational procedures.

Anytime an employee tests positive for alcohol (.02) management will arrange to transport the employee from the collection site to the employee's home. Anytime an employee is tested for use of controlled substances under the reasonable cause or post-accident section of this policy, the employee shall not perform any safety-sensitive duties pending the receipt of the test results.

5.) Return-to-Duty Testing

An employee who refuses to take or fails a controlled substance or alcohol test may not return to duty (i.e. perform safety-sensitive functions) until s/he passes a controlled substance test and alcohol test, if applicable, and the substance abuse professional (SAP) has determined the employee may return to duty (i.e. perform a safety-sensitive function).

VI. SPECIMEN COLLECTION & TESTING LABORATORY:

General

All collection and testing of samples will be arranged by a third party administrator (TBA) selected by the WCWSA Board.

Collection Sites

The collection sites shall have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and shipping of urine specimens to a certified testing laboratory. The collection site will conduct alcohol tests by a breath alcohol technician (BAT) trained to proficiency in the operation of the evidentiary breath testing device (EBT).

Certified Laboratory

The testing laboratory shall be certified under the U.S. Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 Federal Register 11970, April 11, 1988 and subsequent amendments). The laboratory shall provide services in accordance with Part 40 and Part 382. The name and address of each laboratory used by the third party administrator is available upon request. The laboratory shall permit inspections by designated WCWSA representatives, the FHWA Administrator, or, if the WCWSA is subject to the jurisdiction of a state agency, a representative of the state agency.

VII. REVIEW OF DRUG TESTING RESULTS

General Information

The WCWSA shall contract with a third party administrator for the services of a Medical Review Officer (MRO) as part of the administration of this policy in accordance with the requirements of Title 49 CFR40.33. The MRO shall be a licensed physician with knowledge of substance abuse disorders. The MRO shall review all negative and positive controlled substance test results and interview individuals testing positive to verify the laboratory report before the WCWSA is notified. The review of negative tests may be an administrative process to ensure the chain-of-custody procedures were intact.

Positive Test Results

Following verification of a positive test result, the MRO shall refer the case for action to the Executive Director or his/her designee, who shall serve as the Drug/Alcohol Program Manager (DAPM).

Reconfirmation Analysis

The MRO shall notify each employee with a confirmed positive test that s/he has seventy-two (72) hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a verified positive test, the MRO shall direct the laboratory in writing to provide the split specimen to another DHHS certified laboratory for analysis.

If the analysis of the split specimen fails to reconfirm the presence of the controlled substance(s) found in the primary specimen, is unavailable, inadequate for testing, or not testable, the MRO shall cancel the test and report the cancellation and the reasons for it to the Executive Director or his/her designee and the affected employee.

The costs associated with the test of a split specimen shall be the responsibility of the employee if the results of the test are positive. The employee will reimburse the WCWSA for the cost of the test within thirty (30) days.

VIII. RIGHTS OF A COVERED EMPLOYEE:

1.) Right to Records

Upon written request, an employee has the right to obtain copies of any records regarding his/her use of alcohol or controlled substances, including any records of test results.

2.) Right to Know Basis for Test

A covered employee has the right to know the reason a drug or alcohol test is being ordered and under what authority such test is being ordered. Additionally, the employee has the right to know the results of any drug or alcohol test.

3.) Right to Representation

An employee has a right to representation whenever s/he is being interviewed by the employer regarding controlled substance/alcohol test results which may result in adverse action. This interview is not mandatory, but if held, may occur before or after the test. Also, an employee has the right to have a representative present when s/he is discussing a potential positive test result with the MRO. (Conversations with the MRO will almost always be by telephone).

An employee does not, however, have the right to delay a drug or alcohol test awaiting availability of representation.

IX. RECORDS RETENTION, RELEASE AND CONFIDENTIALITY:

All employee records regarding controlled substance and alcohol testing are considered confidential and shall be maintained in a separate file in the WCWSA Office. Records may not be released without the written request or signed release of the employee, except:

- a.) in the event of a lawsuit.

b.) in the event of a grievance or other proceeding, initiated by or on behalf of the employee arising from the results of an alcohol or controlled substance test.

c.) in a proceeding relating to a benefit sought by the employee, such as worker's compensation or unemployment insurance.

Records and documents of all alcohol test results greater than .02 positive controlled substance test results, refusal to test, and records relating to evaluation and referrals will be maintained for a minimum of five (5) years.

Documents and records relating to the basis for reasonable suspicion and post-accident testing and/or the inability of the employee to provide an adequate breath sample or urine specimen, will be maintained for a minimum of two (2) years.

X. INFORMATION AND ASSISTANCE:

Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem; and available methods of intervening when an alcohol or a appropriate service provider can be obtained by contacting:

The Wayne County Mental Health Department
Wayne County Substance Abuse Services
1519 Nye Road, Suite 115
Lyons, New York 14489
(315) 946 5728

Effective Date: 07-16-97

Revision Date: 01-01-19

710 DISCIPLINARY REVIEW

When the Executive Director, department head or WCWSA Board determines that an employee's performance has been inadequate or that an employee has engaged in misconduct, the WCWSA may find it necessary to take disciplinary measures. Generally, employees will be given the opportunity to correct their behavior. Some types of misconduct, however, require immediate termination. In most cases, the employee's department head shall document the problem in a counseling memorandum, discuss the problem with the employee, and retain the memorandum in the employee's personnel file.

The WCWSA's disciplinary policy and/or practices in no way limit or alter the at-will employment relationship. Thus, there is no requirement that discipline must be progressive or that a warning or counseling memorandum must be given prior to termination.

Effective Date: 07-16-97

Revision Date: 01-01-19

711 VIOLENCE IN THE WORK PLACE

The WCWSA is committed to providing its employees with a work environment that is safe, secure, and free from violence. The WCWSA considers any threat of violence or potential violence as legitimate, and will take immediate appropriate action, including the involvement of law enforcement. Implementation of this policy will include compliance with the NYS Workplace Violence Prevention Act in accordance with NYS Labor Law Section 27-b.

Prohibited Conduct – The WCWSA has zero tolerance for violence of any kind in the workplace, including, but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives, explosives, and other items with the intention to inflict harm) in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel, if any. An employee who has knowledge that a coworker or visitor possesses a weapon on WCWSA property must report this to a Department Head or the Executive Director immediately.

For the purpose of this program, the workplace is defined as any location away from an employee's home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, WCWSA-owned buildings and surrounding perimeters, parking lots, work sites, and traveling to and from work assignments.

Reporting Requirements – An employee who is subject to, witnesses, or becomes aware of any threats or acts of violence should inform the employee's Department Head or the Executive Director immediately. Likewise, any suspicious individuals or activity must be reported immediately.

Policy Violations – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

Prohibition Against Retaliation – An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

Effective Date: 11-23-10

Revised Date: 02-11-22

712 WRONGFUL CONDUCT, DISCLOSURE OF WRONGFUL CONDUCT (WHISTLEBLOWING) & PROTECTION FROM REPRISAL

Overview

This policy is intended to instruct WCWSA Board members and employees in wrongful conduct (theft of money / property / resources, fraud, harmful / protected actions, etc.), their responsibility to disclose wrongful conduct, their responsibility to investigate alleged wrongful conduct, and the protection of any employee, former employee or independent contractor who engages in good faith disclosure of alleged wrongful conduct as provided by this policy. More specifically it:

- encourages employees, former employees, and independent contractors to disclose serious breaches of conduct covered by WCWSA policies, administrative regulations, or violations of law (theft, fraud, etc.),
- informs employees how allegations of wrongful conduct can be disclosed,
- protects employees, former employees, and independent contractors from retaliatory action as a result of having disclosed wrongful conduct, and
- provides individuals who believe they have been subject to reprisal a fair process to seek relief from retaliatory acts.

Statement of Policy

The WCWSA has developed policies and procedures for standards of conduct and behavior. Additionally, Board members and employees are expected to abide by applicable state and federal laws. A Board member and employee cannot be compelled by a supervisor or official to violate a WCWSA policy, regulation, an applicable law, or public policy. In the interest of the WCWSA, a Board member, or employee who has particular knowledge of specific acts which he or she reasonably believes constitute wrongful conduct shall disclose the conduct to the appropriate WCWSA official or appointee defined under this policy in a prompt and timely manner. If an adverse employment action is taken against a WCWSA employee, former employee, or independent contractor in knowing retaliation for his or her good faith disclosure of information to a designated WCWSA official or appointee concerning alleged wrongful conduct, as defined under this policy, and if the employee's work performance or behavior did not warrant the adverse action, then the WCWSA shall take remedial action for the employee, former employee, or independent contractor and corrective action against the supervisor.

The Executive Director may devise additional administrative regulations and procedures for handling disclosures and responding to complaints of reprisal or retaliation, as long as such procedures conform with the guidelines detailed below. This policy, and other relevant regulations and procedures shall be discussed with employees at the time of their hiring, published in employee handbooks, posted in employee lounges and workspaces, and a copy given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

It is recommended that the WCWSA Board periodically evaluate the effectiveness of this policy and procedures. The designees and appointees responsible for implementation of this policy should be part of this process.

Wrongful Conduct

Wrongful conduct is defined in this policy to be:

- theft of WCWSA money, property, resources, or authority, or fraud, or the use of WCWSA money, property, resources, or authority for personal gain or other non WCWSA related purpose except as provided under WCWSA policy
- corruption, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information or abuse of authority
- a serious violation of WCWSA policy, regulation, and/or procedure
- an activity, policy, or practice of WCWSA that is reasonably believed to be a violation of any applicable law, rule, or regulation
- an activity, policy, or practice of WCWSA that is reasonably believed to pose a substantial and specific danger to the public health or safety

Disclosure and Disclosure Investigation (Whistle Blowing)

- The WCWSA has policies, regulations, and procedures for maintaining standards of conduct, many of which are set forth in the Employee Handbook. Examples include policies on sexual and other unlawful harassment, policies on drug and alcohol use, policies prohibiting discrimination, and policies for the protection of WCWSA money, resources and services. When feasible, the procedures set out in the applicable policy should be followed to disclose violations.

In matters relating to wrongful conduct as defined in the section above, mismanagement of WCWSA resources, or an abuse of authority which is not covered by specific WCWSA policy, then disclosure of the violation should be made to the Executive Director, unless the Executive Director is the person violating the policy or engaging in wrongful conduct, in which case disclosure of the violation should be made to the Chairman of the WCWSA Board. It shall be the responsibility of the Executive Director and/or Chairman, as applicable, to receive such disclosures and to ensure that there is an investigation of the alleged disclosure of wrongful conduct (hereinafter referred to as a “disclosure investigation”).

The Executive Director (unless the disclosure is against actions of the Executive Director) or WCWSA Board Chairman (the “Investigating Officer”) who receives an alleged disclosure of wrongful conduct shall:

- 1) keep confidential the identity of the person(s) making the disclosure,
- 2) maintain a written record of the allegation,
- 3) and conduct an investigation or ensure that the appropriate unit (auditors, police, etc.) investigates the disclosure in a timely and reasonable manner, and
- 4) notify the Board and appropriate Board members at a time considered to be appropriate by the Investigating Officer.

In matters of disclosure, the Investigating Officer will make all reasonable attempts to maintain the identity of such person(s) making the disclosure in a confidential manner, as long as such maintaining this confidentiality does not interfere with conducting an investigation of the specific allegations or taking corrective action. In the event that the identity of such person(s) making the disclosure is known, upon the conclusion of the investigation the Investigating Officer will notify, in writing, such person(s) who made the disclosure of the determination and retain a copy of that notification. Similarly, where an individual has knowledge that he or she is being investigated for wrongful conduct, that individual should be notified of the determination of the disclosure investigation at a time

considered to be appropriate by the Investigating Officer so that any notice would not compromise any further actions deemed appropriate by the Investigating Officer.

It should be noted that a disclosure warranting a disclosure investigation is not the same as making a complaint of reprisal for disclosure. A complaint of reprisal for disclosure requires retaliatory action as set forth below as a result of the disclosure before it can be pursued as a complaint of reprisal.

Anti-Reprisal Provisions

Pursuant to Public Authorities Law Section 2857, and Labor Law Section 740, as amended, the WCWSA shall not retaliate against any employee, former employee or independent contractor for the disclosure of potential wrongful conduct, nor shall the WCWSA interfere with the right of any such person by any improper means aimed at deterring disclosure of potential wrongful conduct. Any attempts at retaliation or interference are strictly prohibited and:

- 1) No employee, former employee, or independent contractor who in good faith discloses potential violations of this Whistleblower Policy or other instances of potential wrongful conduct, shall suffer retaliatory action, including but not limited to harassment, discrimination, retaliation or adverse employment actions such as a denial of promotion, denial of benefits, demotion, suspension or discharge, or actions or threats that would adversely impact future employment, or actions or threats to contact or report suspected citizenship or immigration status of such person or his or her family/household member to federal, state, or local agencies.
- 2) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongful conduct will be thoroughly investigated by this WCWSA.
- 3) Any employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of this Whistleblower Policy or other instances of potential wrongful conduct is subject to discipline, which may include termination of employment.
- 4) Any allegation of retaliation or interference will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate matter.

Complaints of Reprisal

1. An employee who has been subjected to retaliatory action based on his or her prior disclosure of an alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Chairman of the WCWSA. The Chairman, or his or her designee, will review the complaint expeditiously to determine:
 - Whether the complainant made a disclosure of alleged wrongful conduct before retaliatory action was taken
 - Whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee
 - Whether the complainant has in fact suffered retaliatory action after having made the disclosure

- Whether the complainant alleges that retaliatory action occurred as a result of the disclosure
2. Within 30 days from the receipt of the complaint, if the Chairman (or designee) determines that all of the above elements are present, the Chairman should appoint a review officer or panel to investigate the claim and make a recommendation to the WCWSA Board.
 3. At the time of appointing a review officer or panel, the Chairman should inform, in writing, the complaining party and responding party of:
 - the intent to proceed with an investigation,
 - the specific allegations to be investigated,
 - the appointment of the review officer or panel, and
 - allowing each party the written opportunity to support or respond to the allegations.
 4. In situations where impartiality of the review officer or panel is questioned and there are sufficient factual basis to support external review, the Chairman could call for review by an external party. In this case, the costs should be incurred by the WCWSA.
 5. The WCWSA Board can define the standards for the review process.
 6. Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the Chairman of its completion. From the date of that notice, the review officer has thirty (30) days to report his or her findings and make any recommendation he or she deems appropriate to the Chairman. The Chairman, in conferral with the appropriate administrator should issue a letter of findings to both the complainant and the respondent.
 7. A decision at this stage is appealable to the full WCWSA Board on procedural grounds only.
 8. Nothing in this policy is intended to interfere with legitimate employment decisions.

Other Legal Rights Not Impaired

This Whistleblower Policy and the procedures set forth herein are not intended to limit, diminish or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.

1. Specifically, these Whistleblower Policy and Procedures are not intended to limit any rights or remedies that an individual may have under the laws of the State of New York, including but not limited to the following provisions: Civil Service Law § 75-b, Labor Law § 740, State Finance Law § 191 (commonly known as the "False Claims Act"), and Executive Law § 55(1).
2. With respect to any rights or remedies that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any such individual who wishes to preserve such rights shall prior to disclosing information to a government body, have made a good faith effort to provide the Executive Director or his or her designee the information to be disclosed and shall provide the Executive Director or designee a reasonable time to take appropriate action unless i) there is imminent and serious danger to public health or safety; ii) the individual

reasonably believes that reporting to the Executive Director or designee would result in destruction of evidence or other concealment of the wrongful conduct; iii) the wrongful conduct could reasonably be expected to lead to endangering the welfare of a minor; iv) the individual reasonably believes that reporting to the Executive Director or designee would result in physical harm to the individual or any other person; or v) the individual reasonably believes that the Executive Director or designee is already aware of the wrongful conduct and will not correct said wrongful conduct. (See Civil Service Law § 75-b[2][b]; Labor Law § 740[3]).

**WAYNE COUNTY WATER &
SEWER AUTHORITY
ADMINISTRATIVE REGULATION**

WRONGFUL CONDUCT,
DISCLOSURE OF WRONGFUL CONDUCT (WHISTLE BLOWING)
AND PROTECTION FROM REPRISAL NOTICES

Date adopted: November 23, 2010

Last revised: February 10, 2022

To make clear the WCWSA Board's position on wrongful conduct, disclosure of wrongful conduct (whistle blowing), and protection from reprisal, the following message in a format of an 8 ½ inch by 11 inch printed notice shall be:

- Inserted as a page in all employee manuals;
- Posted in all employee lounges and break rooms;
- Discussed with all new employees at their orientation; and
- Posted in all WCWSA offices, and Executive Director's Office

**STOP
THEFT and FRAUD**

We urge employees, former employees, and independent contractors to report wrongful conduct, including theft or fraud (or suspected theft or fraud) of WCWSA money, equipment, resources, materials, or supplies, or the use of WCWSA paid work time for personal gain or profit, to authorities or police authorities. It is against the law to steal from the WCWSA or use WCWSA money, equipment, materials, or supplies, or paid work time for personal gain or profit. Every employee has a responsibility to protect what rightfully belongs to the public.

REPORT

By WCWSA policy you can report wrongful conduct, including any activities that are violation of any applicable law, rule, or regulation, or pose a substantial and specific danger to public health and safety, theft or fraud (or suspected theft or fraud) of money, equipment, resources, materials, or supplies, or the use of WCWSA paid work time for personal gain or profit to the following Board Officers or Appointees. They must strive to keep your identity confidential:

Martin J. Aman, Executive Director
Wayne County Water and Sewer Authority
3377 Daansen Road
Walworth, New York 14568
(315) 986-1929

LaVerne Bliet, Authority Chairman
5126 Steurrys Road
Marion, N.Y. 14505
(315) 597-2324

Place a telephone call, or send a note or letter

YOU ARE PROTECTED

By WCWSA policy and state law you are protected from any job reprisals as a result of your reporting or disclosure of any wrongful conduct, theft or fraud (or suspected theft or fraud).

Effective Date: 01-01-19

Revised Date: 01-01-19

713 CODE OF ETHICS

The WCWSA's Code of Ethics and Standards of Conduct was officially adopted September 26, 2006. Relevant provisions of that Code with respect to the purposes of this Employee Handbook are provided below.

ARTICLE I

CODE OF ETHICS AND STANDARDS OF CONDUCT

1.1 STANDARDS OF CONDUCT.

- 1.1.1 No Member, officer or employee of the Authority should accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
- 1.1.2 No Member, officer or employee of the Authority should accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or employment.
- 1.1.3 No Member, officer or employee of the Authority should disclose confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests.
- 1.1.4 No Member, officer or employee of the Authority should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others.
- 1.1.5 A Member, officer or employee of the Authority should not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
- 1.1.6 A Member, officer or employee of the Authority should abstain from making personal investments in enterprises which he or she has reason

to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the Authority's interest and his or her private interest.

- 1.1.7 A Member, officer or employee of the Authority should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.
- 1.1.8 No Member, officer or employee of the Authority should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties in the public interest.
- 1.1.9 No Member, officer or employee of the Authority should engage in any transaction as representative or agent of the Authority with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her official duties.
- 1.1.10 No Member, officer or employee of the Authority employed on a full time basis or any firm or association of which such Member, officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such Member, officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Authority.

1.2 PROHIBITION AGAINST CONFLICTS; LOANS.

- 1.2.1 Section 1199-pp of the New York Public Authorities Law sets forth the following requirements with respect to conflicts of interest:

It shall be a misdemeanor for any member or any officer, agent, servant or employee of an authority to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, or in any contract therefor which the authority is empowered by this title to make.

- 1.2.2 Section 2824(5) of the New York Public Authorities Law sets forth the following requirements with respect to prohibited loans:

Notwithstanding any provision of any general, special or local law, municipal charter or ordinance to the contrary, no board of a state or local authority shall, directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any officer, board member or employee (or the equivalent thereof) of the authority.

- 1.2.3 In the event the Authority discovers a violation of either of the above provisions, the Authority shall conduct an investigation and, if warranted, report the offense to the Inspector General of the State of New York.

1.3 ADDITIONAL RULES WITH RESPECT TO CONFLICTS OF INTEREST.

- 1.3.1 No Member, officer or employee of the Authority shall receive, or enter into any agreement express or implied for, compensation for services to be rendered in relation to any case, proceeding, application, or other matter before the Authority, whereby his or her compensation is to be dependent or contingent upon any action by the Authority with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit; provided, however, that nothing in this subdivision shall be deemed to prohibit the fixing at any time of fees based upon the reasonable value of services rendered.
- 1.3.2 No Member, officer or employee of the Authority or any firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall (i) sell any goods or services having a value in excess of twenty-five dollars to the Authority or (ii) contract for or provide such services with or to any private entity where the power to contract, or retain on behalf of such private entity is exercised, directly or indirectly, by the Authority or an officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This subdivision shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.
- 1.3.3 No Member, officer or employee of the Authority shall directly or indirectly, solicit, accept or receive any gift having a value of seventy-five dollars or more whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
- 1.3.4 No Member, officer or employee of the Authority, other than in the proper discharge of official duties, shall receive, directly or indirectly, or enter into any agreement express or implied for, any compensation, in whatever form, for the appearance or rendition of services by himself or herself or another in relation to any proceeding, application or other matter before the Authority where such appearance or rendition of services is in connection with: (i) the purchase, sale, rental or lease of real property, goods or services, or a contract therefore, from, to or with the Authority; (ii) any proceeding relating to rate making; (iii) the adoption or repeal of any rule or regulation having the force and effect of law; (iv) the obtaining of grants of money or loans; (v) licensing; or

(vi) any proceeding relating to a franchise provided for in the public service law.

1.3.5 No person who has served as a Member, officer or employee of the Authority shall within a period of two years after the termination of such service or employment appear or practice before the Authority or receive compensation for any services rendered by such former Member, officer or employee on behalf of any person, firm, corporation or association in relation to any proceeding or application or other matter before the Authority. No Member, officer or employee of the Authority shall after the termination of such service or employment appear, practice, communicate or otherwise render services before the Authority or receive compensation for any such services rendered by such former Member, officer or employee on behalf of any person, firm, corporation or other entity in relation to any proceeding, application or transaction with respect to which such person was directly concerned and in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

1.3.6 Nothing contained in this Article I shall be construed or applied to prohibit any firm, association or corporation, in which any present or former Member, officer or employee of the Authority is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with the Authority, where such Member, officer or employee does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the state ethics commission, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

1.4 DUTY TO DISCLOSE.

1.4.1 Each Member, officer and employee shall have the duty to report to the Authority's Ethics Officer, Chair of the Audit Committee or Board in writing any violations or possible violations of the terms of this Code, including without limitation instances of conduct prohibited by Sections 1.1, 1.2 or 1.3 hereof.

1.4.2 Each Member, officer and employee shall promptly:

1.4.2.1 Bring to the attention of the Audit Committee any material information of which he or she becomes aware that affects the disclosures made by the Authority in any report required to be filed with the New York State Authority Budget Office.

1.4.2.2 Bring to the attention of the Audit Committee any information he or she may have concerning (a) significant deficiencies in the design or operation of internal controls which could adversely affect the Authority's ability to record, process, summarize and report financial data or (b) any fraud, corruption, criminal activity, or abuse whether or not material, that involves management or other employees

who have a significant role in the Authority's financial reporting, disclosures or internal controls.

1.4.2.3 Bring to the attention of the Audit Committee or Ethics Officer any information he or she may have concerning evidence of a material violation of any laws, rules or regulations applicable to the Authority and its operations, by the Authority or any Member, officer, employee or agent thereof.

1.4.3 Each Member, officer and employee shall have the duty to disclose the existence of any personal financial interest that could result in or represent a violation of any provision of this Code.

1.5 WHISTLEBLOWER PROVISIONS.

1.5.1 Section 2824(e) of the New York Public Authorities Law requires the Board to adopt written policies and procedures protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or Board Member of the Authority.

1.5.2 To the fullest extent possible and appropriate, the Authority will endeavor to keep confidential the identity of any employee, officer or Member who reports a violation of this Code or of any fraudulent, illegal or inappropriate acts proscribed hereby.

1.5.3 It is the Authority's policy to prohibit retaliation against employees, officers and Members who in good faith report possible violations of this Code by others. However, anyone who knowingly or recklessly provides false information to the Authority may be subject to disciplinary action, including dismissal or removal, in the manner provided by law.

1.6 VIOLATIONS.

In addition to any penalty contained in any provision of law, any Member, officer or employee of the Authority who shall knowingly and intentionally violate any of the provisions of this Code shall be guilty of misconduct and subject to removal from office or termination of employment in the manner provided by law.