

# Warren County Board of Supervisors

## RESOLUTION NO. 191 OF 2016

**Resolution introduced by Supervisors Conover, Seeber, Sokol, Simpson, Merlino, Dickinson, Girard, Frasier, Beaty, McDevitt and Braymer**

### **APPROVING REVISIONS TO THE WARREN COUNTY PLANS AND POLICIES CHAPTER VI HUMAN RESOURCES/CIVIL SERVICES**

WHEREAS, the Warren County Board of Supervisors adopted the Warren County Plans and Policies set forth in the Warren County, New York Plans and Policies and Municipal Code, which included Section VI.011 Time Clock Policy and Time and Attendance System Procedure and Section VI.045 through Section VI.051 Personnel Policies for County Employees Outside the Bargaining Units, by Resolution No. 416 of 2015, and

WHEREAS, the Finance, Personnel & Higher Education Committee of the Warren County Board of Supervisors has recommended revising Section VI. 011 and deleting Section VI.045 through VI.051 to replace it with policies consistent with the CSEA Agreement and current practice, now, therefore, be it

RESOLVED, thAT Chapter VI of the Warren County Plans and Policies titled Human Resources/Civil Services be, and hereby is, amended as follows with the underlined items being those that are added, and stricken information is to be deleted:

*(B) Exempt job titles.*

Administrative Fiscal Services

County Administrator

Assist to County Administrator

Board of Elections

Commissioner Elections #2

Deputy Commissioner Elections #2

Commissioner Elections #1

Deputy Commissioner Elections #1

Building & Fire Code

Administrator Fire & Bldg Code

Civil Service

Personnel Officer

Clerk of the Legislative Board

~~2nd Deputy Clerk of the Board~~

Deputy Clerk of the Board

Clerk of the Board  
County Attorney  
    1st Assistant County Attorney  
    County Attorney  
    Assistant County Attorney  
County Auditor  
    County Auditor  
County Clerk  
    1st Deputy County Clerk  
Countryside Adult Home  
    Director Countryside Adult Home  
District Attorney/District Attorney  
    3rd Assistant DA  
    1st Assistant DA  
    4th Assistant DA  
    2nd Assistant DA  
    6th Assistant DA  
    5th Assistant DA  
DPW  
    Airport Manager  
    Superintendent Bldgs & Grounds  
    Superintendent of Public Works  
    Fiscal Manager  
    Deputy Supt/Admin DPW  
    Dept Superintendent/Operations  
    Assistant Engineer #2  
    Junior Transportation Analyst  
    Engineer #1  
    Assistant Engineer #4  
    Dpty Superintendent Public Works  
    Recreation Facilities Manager  
    Director of Parks & Rec/Up Yonda  
    Fish Management Specialist  
    Environmental Education Admin  
    Naturalist  
    Assistant Engineer #1  
    Senior Civil Engineer  
Employment & Training/WIA-Admin (Staff)  
    E & T Director II  
Historian  
    County Historian  
Human Resources  
    Human Resources Director  
Information Technology  
    Director Information Technology  
    Web/Intranet Developer

Analyst/Programmer #1  
Sr. Programmer  
Legal Defense - Indigents  
Assigned Counsel Administrator  
Mental Health  
Children & Youth SPOA Coordinator  
Mental Health Program Analyst  
Deputy Director Mental Health / Fiscal  
Deputy Director Clinical  
Director Mental Health  
Office for the Aging  
Fiscal Manager  
Nutrition S Coordinator  
Director Aging  
Office of Emergency Services  
Director/Fire Coordinator  
Emergency Services Coordinator  
4th Deputy Fire Coordinator  
Planning/Planning  
Construction Cost Coordinator  
County Planner  
Probation/Probation  
Probation Supervisor #2  
Director of Probation  
Probation Supervisor #1  
Public Defender  
1st Assistant Public Defender  
3rd Assistant Public Defender  
5th Assistant Public Defender  
4th Assistant Public Defender  
2nd Assistant Public Defender  
6<sup>th</sup> Assistant Public Defender  
Public Defender  
Public Health  
Director Pub Health/Patient Svc  
Assistant Director Public Health  
~~Supervising PHN #3~~  
Public Health Fiscal Manager  
Supervising PHN #6  
Assistant Director Patient Services  
Supervising PHN #4  
Long Term Coordinator  
Clinical & Fiscal Info Coordinator  
WIC Coordinator  
Purchasing  
Purchasing Agent  
Deputy Purchasing Agent  
Real Property Tax  
Director Real Property

Deputy Director Real Property  
Self Insurance  
Insurance Administrator  
Deputy Self Insurance Administrator  
Sheriff/Jail  
Corrections Captain  
Corrections Lieutenant #2  
Corrections Lieutenant #1  
Corrections Inspector  
Sheriff/Sheriff Law Enforcement  
~~Investigative Lieutenant~~  
Systems Maintenance Coordinator  
Patrol Lieutenant #1  
Major  
Patrol Lieutenant #2  
Undersheriff  
Social Services/Social Services Admin  
DSS Fiscal Manager  
Social Services Attorney  
Commissioner Social Services  
Deputy Commissioner/Chief Legal Counsel  
~~Deputy Commissioner Soc Services~~  
Assistant Social Services Attorney #1  
Assistant Social Services Attorney #2

Tourism  
Assistant Tourism Coordinator  
Creative Director  
Director of Tourism

Treasurer  
Accountant  
Junior Accountant  
Deputy Treasurer

Veterans Service  
Director Veterans

Weights & Measures  
Director Weights & Measures

~~Westmount/Administration~~  
~~Nursing Home Administrator~~  
~~Director of Nursing~~  
~~Dietary Supervisor~~  
~~Comptroller~~  
~~MDS Coordinator~~  
~~Staffing/In-Service Coordinator~~  
~~Youth~~  
~~County Youth Director~~

and, be it further,

RESOLVED, that Chapter VI of the Warren County Plans and Policies titled Human Resources/Civil Services be and hereby is amended to delete Sections VI.045 through VI.051 and replace with the following:

**§ VI.045 SALARY AND COMPENSATION PLAN.**

(A) All employees outside the bargaining units shall be compensated according to the Warren County Salary and Compensation Plan adopted by the Board of Supervisors and according to such further Resolutions as may be adopted by the Board from time to time. For the purposes of computing salaries and where applicable, overtime and other benefits, the annual salary of all employees outside the bargaining units (with the exception of the appointed and executive employees) shall be divided by 2,080 hours. The salaries of all appointed and executive employees outside the bargaining units shall be divided by 1,820 hours as set forth in Res. 439 of 2010.

(Res. 308 of 1996, passed 5-17-1996; Res. 500 of 1999, passed - -1999; Res. 194 of 2004, passed - -2004; Res. 820 of 2004, passed - -2004; Res. 756 of 2009, passed - -2009; Res. 495 of 2010, passed - -2010)

**§ VI.046 WORKDAY, WORKWEEK, OVERTIME**

(A) The regular hours of work in each day shall not exceed eight hours, except that the hours worked when attending an authorized out-of-town conference, training class, seminar or similar educational class may be more than eight hours but not more than 11 hours when the Department Head (or designee) and the employee agree that the time worked over eight hours (not more than 11), will be taken as authorized time off later in the same workweek. Agreement by the Department Head and employee must be in writing using a form provided by the County Attorney. If an agreement is not reached it is understood that the Department will either pay overtime or not authorize/require the employee to attend the conference, training class, seminar or similar education class for more than eight hours.

(B) Overtime. Overtime must first be authorized by the Department Head. When an employee who is required under law to receive overtime pay is authorized or required by the Department Head to work in excess of 40 hours per week, or more than eight hours in one day, he/she shall be entitled to receive compensation at the rate of time and one-half of his hourly rate of pay, except no overtime compensation shall be required under circumstances where an agreement is reached pursuant to division (A) above.

(C) Flex time. In addition to the foregoing, the regular hours in each day for all departments in which employees outside the bargaining unit work shall not exceed eight (8) hours per day except where an employee and a Department Head agree that the employee may work in excess of eight (8), but not more than ten (10) and take authorized time off later in the same pay period on an hour for hour basis. Hours worked under this provision must be tracked and marked as flex time on the employee timesheet. The employee shall not be entitled to overtime pay for the hours used as flex time.

(D) Compensatory time. Compensatory time shall not be permitted. All time worked for employees not considered executive, administrative, or professional, in excess of the regular eight-hour day or 40-hour week will be considered as overtime and payment for such overtime will be made at the next regularly scheduled payroll period, except no overtime compensation shall be required under circumstances where an agreement is reached, pursuant to division (A) above.

(E) Miscellaneous compensation. The County will reimburse an employee required by the County to use his/her private automobile for County business at the rate allowable by Internal Revenue Service rules as amended from time to time.

(F) Definition of employees. The following definitions shall apply:

**Administrative Employee.** Employees responsible for department activities in the absence of the Department Head or Deputy Department Head and who assist in the enforcement of departmental policies and regularly exercise discretion and independent judgment with authority to make important agency decisions. NOTE: Administrative positions are NOT subject to agency fee provisions.

**Executive Employee.** A Department Head or Deputy Department Head. NOTE: Executive positions are NOT subject to agency fee provisions.

**Full-time Employee.** A person who is employed by the County for a 12-month period of time and who works 35 hours per week or more.

**Less than Half-time Employee.** A person who is employed by the County for a 12-month period and works less than 20 hours per week.

**Part-time Employee.** A person who is employed by the County for a 12-month period and who works less than 35 hours per week but more than 20 hours per week.

**Professional Employee.** Employees performing work which requires knowledge of an advanced type in a position where the employees invention, imagination, and talent in a specialized field is required for project completion. Employees perform work which is unique to a career field (i.e., Law, Medicine, Planning), as distinguished from clerical, manual, mechanical or physical duties. NOTE: Professional positions are NOT subject to agency fee provisions.

**Temporary Employee and Seasonal Employee.** A person who is employed for a particular program or project for a period not exceeding six months.

(G) Fringe benefits. Part-time employees as herein defined shall receive fringe benefits in the same proportion as the ratio of the number of hours the employee works to the number of hours in the regular workweek. Less than part-time employees including less than half-time and temporary or seasonal employees shall receive no fringe benefits.

(Res. 308 of 1996, passed 5-17-1996; Res. 151 of 2008, passed - -2008)

**§ VI.047 HOLIDAYS.**

(A) All employees in County service shall be entitled to the following paid holidays:

- (1) New Year's Day;
- (2) Martin Luther King's Birthday;
- (3) President's Day;
- (4) Memorial Day;
- (5) Independence Day;
- (6) Labor Day;
- (7) Columbus Day;
- (8) Veteran's Day;
- (9) Thanksgiving Day;
- (10) Christmas Day.

(B) In order to be paid for a holiday, the employee must work the employee's last scheduled workday before and after the holiday, except with the employee's supervisor's approval. In the event an employee at a County facility operating seven days a week shall be denied holiday pay by reason of this provision, the employee shall have the right, within the same payroll period of the holiday or the payroll period immediately following said payroll period, to appeal the denial to the Human Resources Director who shall determine whether the employee shall be paid for the holiday. In making a decision, the Human Resources Director shall allow the employee, the employee's immediate supervisor or other designated representative and Administrator to be heard. The Human Resources Director shall render the decision in writing and shall include the basis or rationale for the decision. The decision shall be delivered to the employee, the employee's supervisor or designee and the Administrator.

(C) Working on Holidays

When a non-bargaining unit, Fair Labor Standards Act exempt employee is required, as part of the customary work schedule, to work on one of the officially-designated county holidays, or if such an employee is called to work on such a holiday, the employee shall be compensated at such employee's regular salary rate for the payroll period and receive leave credit for a full work day to be used within six months of the date of such accrual with the department head's prior approval (which approval shall not be unreasonably withheld). If such employee's normally scheduled day off falls on the official holiday, the employee shall likewise accrue one full work days' leave to be used within six months upon prior approval of the department head (which such approval shall not be unreasonably withheld)."

(D) Weekend Holidays

(1) Full-time employees will be paid the regular weekly salary without deduction when one (1) of the above holidays is observed during the workweek.

(2) Part-time employees will be paid at their regular wage for the day when a holiday falls or is observed within their respective workweek schedule.

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(3) Temporary and seasonal employees as defined herein will be paid their regular wage for the day where a holiday falls or is observed within their respective workweek schedule.

(4) If a holiday falls on a Sunday, it will be observed on the next day thereafter. If it falls on a Saturday, it will be observed on the preceding Friday.

(5) If a holiday falls on any other day, the General Construction Law and amendments then in effect will govern the day of its observance.

(6) If a holiday falls during a vacation period, the day will not be charged against the employee's vacation credits. Vacation days are charged solely against working days.

(7) Any employee not in an executive, administrative or professional position who is required to work on one(1) of the scheduled holidays shall be paid time and one-half(1/2)plus the holiday pay if the holiday falls during the employee's regular workweek schedule. Election Department employees shall be given an additional day off if required to work on Election Day.

(8) Any employee not in an executive, administrative or professional position who is called into work on a contract holiday shall be paid time and one-half (1/2) plus the holiday pay.

For the purposes of this Section the day to be considered the holiday shall be the day observed by the County as the holiday irrespective of whether such day is the actual holiday. This regulation shall be waived for the following holidays: New Year's, Christmas and Independence Day. On such holidays, the day to be considered the holiday shall be the day on which the holiday actually falls.

(E) Floating Holidays

Subject to the provisions herein, full-time employees shall be entitled to two additional days of with pay at their usual daily rate. These days shall be known or referred to as "floating holidays" and shall be used within restricted periods of time. One floating holiday shall be taken between January 1st and June 30th of each year. The other shall be taken between July 1 and December 31 of each year. The days may be used in conjunction with vacation or personal days. Rules concerning scheduling and/or use shall be the same as those applicable to vacation days. The days must be taken. Days earned and not taken through no fault of the employee shall be treated in the same manner as vacation days not taken under the same circumstances. Part-time employees shall receive the benefit of the floating holidays in the same proportion as the ratio of the number of hours the employees work to the number of hours in the regular work week. In their first year, a new employee shall be entitled to the floating holidays provided that the new employee was on the payroll at the time of the actual Lincoln's Birthday holiday or Election Day.



(Res. 308 of 1996, passed 5-17-1996; Res. 151 of 2008, passed - -2008, Res. 143 of 2016 passed 3-18-2016)

**§ VI.048 VACATION, SICK LEAVE, PERSONAL LEAVE, BEREAVEMENT LEAVE.**

(A) Vacation leave.

(1) EMPLOYEES HIRED AFTER JANUARY 18, 2013

All full-time and part-time employees commencing work on or after January 18, 2013 shall accrue leave from the date of hire on a pro-rated bi-weekly basis. Vacation time will be earned in the amounts outlined in the table in item number 2. Any leave time accrued shall not be considered earned until the newly hired employees have completed six (6) months of continuous service. Once six (6) months continuous service has been completed, the employee may use any of the accrued time or continue to save the time for future use in accordance with other applicable provisions of this agreement. If a new employee shall not complete six (6) months continuous service, the accrued time shall not be considered earned and shall not be payable to the employee upon termination or otherwise leaving the County. Any employee beginning work with Warren County shall always accrue all vacation time provided for herein on a pro-rata bi-weekly basis and such vacation time must be used not later than eighteen (18) months from the time earned or the vacation time shall be forfeited or lost and no compensation shall be made to the employee.

(2) EMPLOYEES HIRED PRIOR TO JANUARY 18, 2013

All full-time County employees hired prior to January 18, 2013 shall be entitled to a vacation with pay after completing one (1) years of total continuous service as follows:

<u>1 year of service</u>	<u>10 working days</u>
<u>3 years of service</u>	<u>11 working days</u>
<u>4 years of service</u>	<u>12 working days</u>
<u>5 years of service</u>	<u>13 working days</u>
<u>6 years of service</u>	<u>14 working days</u>
<u>7 years of service</u>	<u>15 working days</u>

An additional day of vacation shall be added each year until a maximum of twenty (20) working days are attained.

a. Vacation credits shall be computed from the day of entry into County service and computed on January 1st of each year. For the purpose of determining the effective date of earned vacation the period of service shall be computed from the 1<sup>st</sup> day of January in the year the employee was first appointed.

b. Vacations shall be scheduled with the approval of the employee's Department Head, which approval shall not be unreasonably withheld. All vacations shall be taken in the calendar year during which the employee becomes entitled thereto. Vacation credits shall not be carried over

from one (1) calendar year to another or used in whole or in part any year except the year in which it is due; provided, however, that the County will allow an employee (1) to carry part of the vacation time earned in one calendar year over into the succeeding calendar year upon advance notice to the Department Head, and solely as a continuation of a planned trip commenced in the twelfth (12th) month of the calendar year; or 2) to carry over up to 5 vacation days, not taken through any fault of the employee, into the succeeding calendar year, upon notice to the Department Head by December 1 of the current calendar year, to be taken no later than June 1 of the succeeding calendar year.

(9) VACATION PROVISIONS APPLICABLE REGARDLESS OF DATE OF HIRE

a. Vacation leave may be taken in multiples of not less than one-half (1/2) days. A vacation day taken the day before or day after a holiday must be approved in advance by the Department Head.

b. The period of employment referred to above shall be for a period of total service in Warren County employment. Vacation credits shall be computed from the day of entry into County service.

c. A day of vacation shall be a working day.

d. All vacation time must be taken with the time frames provided and any time not so taken shall be forfeited or lost and no compensation shall be made to any employee, except that vacation time earned and not taken shall be paid to the employee upon application to the Warren County Board of Supervisors and a finding by such Board that 1) in the case of an employee who is not a Department Head that the employee was requested to not take vacation time or was affirmatively denied the opportunity to take vacation time at any time during the time frames herein provided by the Department Head or 2) in the case of a Department Head, the Department Head was requested by the Board of Supervisors to not take vacation or was affirmatively denied the right to take vacation or 3) with regard to any employee injury or disability prevented the use of vacation time. The application provided for herein must be made within 6 months of the end of the year in which the use of vacation time was earned and payment, if awarded, will be at the rate earned. Failure to make such an application shall constitute forfeiture and/or waiver of right to be compensated for qualifying unused vacation time and the County shall have no continuing liability therefore.

e. Time earned and not otherwise taken through no fault of the employee as provided herein, shall be paid to an employee at the time of his/her termination of service.

f. Part-time employees and full-time employees who work less than forty (40) hours per week will be entitled to vacation credits based on their regular workday and regular workweek.

g. In order to be paid for a vacation day, the employee must work the employee's last scheduled work day before and after the vacation day, except with the employee's supervisor's approval.

(B) Sick leave.

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a. Absence from duty by an employee by reason of sickness or disability of himself or herself shall be considered "sick leave".

b. 1. A new full-time employee who is paid on an annual basis and was hired after January 18, 2013 shall be entitled to sick leave with pay on the basis of ten (10) working days in each year. The ten (10) working days per year allowed to an employee for sick leave will be earned at the rate of one (1) day of sick leave for each month of employment except for the sixth and twelfth months during the year of employment where no days will be earned. Such sick leave with pay shall be granted to the employee by the Department Head. The Department Head may require a physician's statement for any absence of more than three (3) consecutive days.

2. All full-time employees who are paid on an annual basis and were hired prior to January 18, 2013 shall be entitled to sick leave with pay on the basis of one (1) working day per month and no more than twelve (12) working days in each year. Such sick leave with pay shall be granted to the employee by the Department Head. The Department Head may require a physician's statement for any absence of more than three (3) consecutive days.

c. Employees shall be allowed to take sick leave in no less than one (1) hour intervals.

d. Absence from duty by an employee by reason of sickness or disability of an immediate member of employee's family shall also be considered "sick leave", provided, however, 1)the sickness or disability of the immediate family member must require the physical presence and actual assistance of the employee; 2) a full-time employee may use no more than 10 or the maximum number of sick leave days the employee has available for use, whichever is less, in any calendar year for immediate family member sickness or disability and the number of days available for use by the part-time employee shall be that portion of 10 days which is in the same proportion to the number of hours worked when compared to full time employees and in no event shall exceed that the employee has accrued; 3) the use of sick leave for immediate family sickness or disability shall be subject to the same rules of use as are applicable to the employee's use of sick leave for employee's own sickness or disability including disciplinary action should the sick leave not be used in accordance with the rules specified herein; 4) the use of sick leave for immediate family member sickness or disability shall be subtracted from or charges to the employee's sick leave balance in the same manner as if used for the employee's own sickness or disability; and 5)immediate family member shall mean mother, father, husband, wife, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law, and any relative or person residing in the immediate household of the employee.

e. No employee shall receive any part of his/her compensation while absent from duty because of sickness or disability except as herein provided.

f. The days allowed to an employee for such leave with pay may be accumulated to a maximum of one hundred sixty-five (165) days, and may be kept to his or her credit for future sick leave with pay.

g. In the event that any employee utilizes the sick leave benefits provided by this Section while not actually sick, such employee will be subject to disciplinary proceedings.

h. 1. Any employee hired prior of January 18, 2013 who is not represented by a union or collective bargaining agreement, with the exception of Sheriff's Office employees and elected officials, who has not used all of his/her accumulated sick leave at the time of his/her retirement, he/she shall be paid in cash at the hourly rate then in effect, for one-half (1/2) of the accumulated sick leave to his/her credit, with a maximum of seventy (70) days to be paid in cash.

2. Any employee hired after January 18, 2013 who is not represented by a union or collective bargaining agreement, with the exception of Sheriff's Office employees and elected officials, will receive no sick leave payout.

3. Any bargaining unit employee of the Sheriff's Office who has not used all of his/her accumulated sick leave at the time of his/her retirement shall be paid in cash at the hourly rate then in effect, for one-half (1/2) of the accumulated sick leave to his/her credit, with a maximum of ninety (90) days to be paid in cash.

i. Part-time employees will earn sick leave' credits based on their workday and workweek.

j. Less than half-time, temporary and seasonal employees shall not be entitled to receive sick leave credits.

(C) Personal leave.

a. Personal leave is leave with pay for personal business, including religious observance, without charge against accumulated vacation credits.

b. Full-time employees in County service shall be entitled to personal leave not exceeding a total of three days in each year.

c. Part-time employees will earn personal leave credits based on their workday and workweek.

d. Less than half-time, temporary and seasonal employees shall not be entitled to personal leave credits.

e. Personal leave shall not be cumulative and no part thereof shall be carried over from one calendar year to another. Unused personal leave shall not be liquidated in cash at the time of separation, retirement or death.

f. Personal leave shall be granted only by prior approval of the Department Head and only at a time convenient to the Department, and may be taken in multiples of not less than one hour.

g. (a) An employee shall not be entitled to personal leave time until after four months of continuous employment.

(b) Each new full-time permanent employee shall be credited with one day of personal leave after four months of continuous employment and one additional day of personal leave after eight months of continuous employment and by an additional day of personal leave at the end of the tenth month of employment, except all new employees shall have three personal leave days credited as of January 1, whether they have completed ten months of service or not.

(D) Leave of absence.

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(1) *Military leave.* County employees who are members of military reserve units and are required to go on active duty for training purposes shall be entitled to leave without loss of pay for such time as is necessary to fulfill such military training obligation, but not exceeding 30 workdays per calendar year. Payment shall not be made to such employee unless a copy of the military orders is submitted to the Department Head.

(2) *Medical leave, education leave and family leave.*

a. *To request a leave of absence under the Family and Medical Leave Policy, please refer to the Family and Medical Leave Policy for Warren County Employees found in Resolution 217 of 2015.*

b. *Extension of authorized medical leave will be granted after an approval by the Department Head and the Personnel Committee of Warren County.*

c. *Unpaid educational leave may be requested up to a period not to exceed 10 months.*

(1) *All requests for leave shall be approved by the Department Head and the County Director of Human Resources prior to the granting of leave. An employee shall receive a reason in writing for any denial of a request for leave.*

(4) *Upon termination of an authorized leave of absence, the employee will be reinstated without interruption of service, rights and benefits.*

(5) *In the event an employee is reinstated in his/her old position within two months from the date he/she has resigned or for any reason has left his/her position, he/she will be reinstated with all his/her accumulative rights and benefits as if no interruption in service has occurred.*

(6) *In the event an employee reenters County service after having terminated his/her service for any reason whatsoever and is not reinstated within two months from the date his/her service has terminated, such employee shall not be entitled to vacation credits based on total service until he/she has completed two years of continuous service from the date of reentering County service.*

(E) *Bereavement leave and funeral leave.*

(1) *Employees may be absent from work without loss of pay by reason of death in the immediate family up to a maximum period of three (3) working days, commencing from the date of death of the family member or day before the funeral. Immediate family includes only mother, father, husband, wife, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law and any relative or person residing in the immediate household of the employee.*

(2) *Employees may be absent from work without loss of pay for one day to attend the funeral of the employee's brother-in-law, sister-in-law, or grandparent-in-law.*

(3) *When extreme weather conditions will not allow for a burial until spring, an employee may reserve and schedule a day of the bereavement leave discussed above for such reason.*

(F) Employee approval. The employer shall not have the right to charge any employee's leave credits without that employee's approval.

(G) No discrimination. The County shall administer the policies set forth in this Resolution in a manner which will be fair and impartial to all employees and there shall be no discrimination against any employee because of age, race, creed, color sexual orientation, national origin military status, sex, disability, predisposing genetic characteristics, or marital status.

(Res. 308 of 1996, passed 5-17-1996; Res. 820 of 2004, passed - -2004; Local Law 4 of 2008, passed 3-21-2008; Res. 151 of 2008, passed - -2008; Res.336 of 2010, passed - -2010; Res. 54 of 2013, passed - -2013)

**§ VI.049 HEALTH INSURANCE AND DENTAL INSURANCE PLANS.**

**1. Employee Eligibility.**

(A) Warren County employee shall be eligible for coverage under the Warren County Health Insurance Plan if any of the following conditions apply:

- a. Said employee is employed at a rate of at least thirty (30) hours per week on a regularly scheduled basis, or
- b. Is employed less than thirty (30) hours per week:
  - i. Is a paid elected official. Or
  - ii. Is a paid member of a public legislative board.

(B) Health insurance benefits for full-time (30+ hours per week) non-bargaining unit employees who began work with Warren County prior to December 21, 2012 shall be as follows:

(1) Effective April 1, 2013, the County shall offer health insurance to current full-time employees not part of any collective bargaining unit on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes ten percent (10%) of the health insurance premium. Commencing December 1, 2013, the amount of the aforesaid contribution shall be increased to eleven percent (11%). Commencing December 1, 2014, the amount of the aforesaid contribution shall be increased to twelve percent (12%). Commencing December 1, 2015, the amount of the aforesaid contribution shall be increased to thirteen percent (13%).

(2) All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office co-pays and 10/30/50 for drug plan co-pays.

(3) The health insurance coverage option(s) afforded eligible retirees under 65 years of age shall be the same as that provided to eligible active employees. The Health Insurance coverage option(s) afforded eligible retirees 65 years of age and older shall be through Medicare Advantage Plans or similar plans offered to eligible Union employee retirees with the same status;

(1) The County will offer coverage to full-time non-bargaining unit employees who retire, provided that said employee a) has at least ten (10) years of total service as a Warren County employee; b)has retired under the New York State Retirement System or is retired and is receiving or will receive Social Security Benefits and would have been eligible to retire and receive benefits under the New York State Retirement System if the employee had been a participant in said Retirement System; c) is enrolled in the Warren County Health Insurance Plan at

the time of retirement; d) the contribution to be paid toward the health insurance premium by all eligible retirees under the age of sixty-five (65) shall be the amount equivalent to the amount paid by active eligible employees and may be increased or otherwise changed from time-to-time; e) the contribution to be paid toward the health insurance premium by retirees who are or became sixty-five (65) years of age or older on December 21, 2012 and who are participants in a Medicare Advantage Plan or similar plan shall be based on the formula in existence and being used just prior to December 21, 2012; f) the contribution to be paid by current active eligible employees who become retirees sixty-five (65) or older, after August 16, 2013 and who began employment with Warren County prior to December 21, 2012, shall be a percentage equal to that percentage being contributed by active full-time employees commencing work prior to December 21, 2012, as may be increased or otherwise changed from time-to-time.

(1) Two members of the same family employed by the County may only be enrolled in one (1) health insurance plan. However, if two (2) members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan provided that the employee contributes the required 20% and provided further that the individual plans are equal to or less than the cost of the two-person plan. If the two-person plan shall be of a less cost, the employees will be eligible only for the two-person plan.

(C) Health insurance benefits for new full-time (30+ hours per week) non-bargaining unit employees beginning work with Warren County on or after December 21, 2012 shall be as follows:

(1) The County shall offer health insurance to new full-time employees commencing the first day of the month immediately following full-time employment with the County on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes 20% of the health insurance premium.

(2) All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office co-pays and 10/30/50 for drug plan co-pays.

(3) The County will offer health insurance Medicare Advantage plans or similar plans to full-time non-bargaining unit employees who retire, provided that said employee a) retires from the New York State Retirement Plan; b) had insurance coverage in the previous ninety (90) day period; c) is sixty-five (65) years of age or older; d) has at least twenty (20) years total full-time county service; e) pays a percentage equal to that shared percentage being contributed by active fulltime employees commencing work on or after December 21, 2012, as may be increased or otherwise changed from time to time. If the employee leaves County service before reaching the age of sixty-five (65), the employee shall not be entitled to continue health insurance through Warren County. Once the employee who leaves the County reaches sixty-five (65) years, assuming all other eligibility criteria outlined above are met, the employee may then elect to receive benefits outlined above.

(4) Two members of the same family employed by the County may only be enrolled in one (1) health insurance plan. However, if two (2) members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan provided that the employee contributes the required 20% and provided further that the individual plans are

equal to or less than the cost of the two-person plan. If the two-person plan shall be of a less cost, the employees will be eligible only for the two-person plan.

**2. Coverage in Retirement.**

(A) Eligibility in retirement is as set forth in Section 1.

(B) Employees with at least 10 years total service as a Warren County employee, vested status who leaves County employment prior to retirement under the New York State Retirement System may continue coverage in the Warren County Health Insurance Plan by paying both the employer and employee shares of the health insurance premium. After retirement begins, said employee shall be liable for only the employee share of the premium.

(C) An active employee who is eligible for coverage and has elected not to enroll in the County Plan during his active employment may enroll in the Plan at any time prior to retirement during an open enrollment period.

(D) A covered employee or retired employee who fails to remit the required premiums shall be terminated from coverage.

(E) An employee who is eligible for coverage at the time of retirement and who elects not to continue coverage or to not enroll for coverage as a retired person shall be eligible to enroll for coverage after retirement provided such employee has at least twenty (20) years of total service as a Warren County employee.

(F) Death of an Employee While in Service - The surviving spouse and minor children of a Warren County employee who dies while in service and prior to retirement shall be eligible for continued coverage under the Warren County Health Insurance Plan and shall pay only the employee share of the premium under the following conditions:

1. the deceased employee had at least ten (10) years of total service as a Warren County employee;

2. the deceased employee was vested under the New York State Retirement System at the time of his/her death.

(I) Death of Retiree - The surviving spouse and minor children of a retired Warren County employee shall be eligible for continued coverage under the Warren County Health Insurance Plan and shall pay only the employee share of the premium under the following conditions:

1. the deceased employee had at least ten (10) years of total service as a Warren County employee;

2. the deceased employee had retired and was eligible for or receiving benefits under the New York State Retirement System at the time of his/her death.

(I) “Continued coverage” as used in this in this Resolution shall mean the coverage available to all Warren County employees and members of the employee’s family.

(Reso. 753 of 2009, Reso. 790 of 2012, Reso 160 of 2013, Reso 465 of 2013)

**§ VI.050 RETIREMENT PLANS AND DEATH BENEFITS.**



(A) Retirement - generally. Retirement benefits and death benefits, to the extent available, are provided through the New York State and Local Employees' Retirement System. Information concerning the nature and extent of the retirement benefits may be obtained through the Human Resources Department and/or from the New York State and Local Employees' Retirement System.

(B) Career retirement plan. The County has adopted a Resolution providing for a Career Retirement Plan for County-employees pursuant to N.Y. Retire. & Soc. Sec. Law § 75-i. The foregoing shall be amended to the extent necessary to reflect changes in the N.Y. Retire. & Soc. Sec. Law as it applies to so-called "Tier Three" category employees. Such plan shall become effective upon compliance with applicable New York State laws and implementation by the New York State Retirement and Social Security System.

(C) Guaranteed ordinary death benefit. The County has adopted a Resolution providing for a guaranteed ordinary death benefit under N.Y. Retire. & Soc. Sec. Law § 60-b as amended by the Laws of 1970 which provides, for County employees who qualify, a guaranteed minimum death benefit of three times the annual rate of pay but limited to \$20,000.

(Res. 308 of 1996, passed 5-17-1996)

#### **§ VI.051 MISCELLANEOUS PROVISIONS.**

(A) Coffee breaks. All employees shall be allowed one coffee break during each four hours of his/her regular day and each Department Head shall establish such rules and regulations as may be necessary to implement these employee rest periods.

(B) Annual statement of accrued time. During the month of February in each year or as soon thereafter as may be practicable, the County shall prepare and distribute to each employee in County service a statement of his/her accrued credits for vacation and sick leave as of the end of the prior calendar year and a statement of any such other credits or leave time the employee shall be entitled to during the ensuing year which are not accumulative.

(C) Submission of time cards. For the purpose of maintaining leave balances, all employees are to submit weekly time cards. Overtime payment for those employees not deemed executive, administrative or professional shall be listed on weekly time cards. Hours reported in excess of 40 hours weekly for those employees designated executive, administrative or professional are NOT eligible for overtime compensation.

(D) Review of time cards. Every employee in County service shall have the right to review or question his/her time card and may from time to time inquire through the Personnel Office as to his/her accrued leave time credits.

(E) Medicare premiums. Upon the exclusion from the coverage of the County's health insurance plan of the supplemental medical insurance benefits under Medicare, the amount of such Medicare premium will be deducted from contributions payable by the employee and the employer contributions to the Health Insurance Fund shall be adjusted as necessary to provide such payments.

(F) Workers' compensation and disability insurance. Warren County Workers' Compensation and Disability Insurance is through self-insurance and benefits and use or credit of sick leave will be in accordance with the rules established thereunder.

(G) Jury duty compensation. The County will pay an employee who serves on jury duty their regular 40 hours pay at straight time for each day served on jury duty. Upon discharge from jury duty, prior to the end of the workday, the employee shall

return to his/her County job. The County will require verification of jury service and time discharged by the Commissioner of Jurors. Immediately upon being discharged from jury duty the employee shall obtain a verification and time discharged form from the Personnel Department or the Commissioner of Jurors and request that the Commissioner of Jurors or designee sign the same. The employee shall be required to give a copy of the verification form to the Department Head prior to returning to work.

(H) *Training programs.* County employees shall be allowed to take job related courses with the prior approval of the County Board of Supervisors. Upon satisfactory completion of the course with a “C” grade or better, the County shall reimburse the employee for 50% of the cost for tuition and fees incidental to taking the course.

(I) *Job-related course benefit.*

(1) County employees who are not represented by a union or collective bargaining agreement, with the exception of elected officials, shall be allowed to take job related courses with the prior approval of the County Board of Supervisors. Upon satisfactory completion of the course with a “C” grade or better, the County shall reimburse the employee for 50% of the cost for tuition and fees incidental to taking the course. If an employee does not work for at least 18 consecutive months after completing a course for which the County has reimbursed the employee for 50% of the cost of tuition and fees, the employee will refund the County the total amount paid by the County to the employee.

(2) *Non-bargaining employees of the*

Sheriff’s Office shall be allowed to take job-related courses with the prior approval of the County Board of Supervisors. Upon satisfactory completion of the course with a “C” grade or better, the County shall reimburse the employees for 50% of the cost of tuition and fees incidental to taking the course. If an employee does not work for at least 18 consecutive months after completing a course for which the County has reimbursed the employee for 50% of the cost of tuition and fees, the employee will refund the County the total amount paid by the County to the employee.

(J) *Employee indemnification.* The indemnification benefits of N.Y. Pub. Off. Law § 18 has been conferred upon all County employees, provided such employee complies with all of the requirements of N.Y. Pub. Off. Law § 18.

(K) *Americans with Disabilities Act.* The County shall comply with the applicable provisions of the Americans with Disabilities Act. See §§ VI.065 through VI.071.

(Res. 308 of 1996, passed 5-17-1996; Local Law 4 of 2008, passed 3-21-2008, Res. 145 of 2016 passed 3-18-2016, Res. 191 of 2016, passed 4-15-2016)