

**Chapter 18**

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[HISTORY: Adopted by the Town Board of the Town of Windsor 11-6-1991 as L.L. No. 2-1991.<sup>1</sup>

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<sup>1</sup> This local law superseded former Ch. 18, Personnel Policies, adopted 5-3-1989 as L.L. No. 1-1989; 11-8-83 L.L. No. 3-1983, amended 11-8-1988. Copy's on file in the Town Clerks Office.

**GENERAL REFERENCES**

Defense of town employees--See Ch. 6.  
Code of Ethics--See Ch. 9.  
Officers and employees--See Ch. 19.  
Salaries and compensation.--See Ch. 24.

**§ 18-1. Purpose.**

The purpose of this chapter is to establish uniform personnel policies for vacation, sick leaves, holidays, health insurance and personal leaves to eligible employees, excluding the Town Highway Department employees.

**§ 18-2. Employees Pre-Eligibility Employment Period.**

There shall be a "one hundred thirty (130) calendar days" probationary period before any benefits will be provided. No employee shall be eligible for any benefits hereunder until the employee has completed one hundred thirty (130) calendar days of employment by the town.

**§ 18-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

- A. **EMPLOYEE** - Includes all employees of the town, except elected officials, members of the Board and commissions and part-time and temporary employees and persons operating through contracted service. The Highway Superintendent of the Town of Windsor shall be considered, for all purposes, a full-time, covered employee.
- B. **FULL-TIME EMPLOYMENT** - Personnel who are hired to work at least four (4) days a week for at least thirty-one (31) hours per week and not for a term intended to last less than a year from the date of hiring.
- C. **PART-TIME EMPLOYMENT** - Personnel that regularly work thirty (30) hours or less per week.
- D. **CIVIL SERVICE** - Employee positions covered by the New York State Civil Service Law, which shall be designated as full or part-time in accordance with that law in such cases in which that statute, by law, must apply.

§ 18-4. Vacations.

Employees shall be entitled to paid vacation time during a given calendar year in accordance with the following schedule. All periods of service set forth shall be computed from the hiring date.

- A. Employees who shall have completed twelve (12) months of service shall be entitled to one (1) week of paid vacation.
- B. Employees who shall have completed three (3) consecutive years of service are entitled to two (2) weeks of paid vacation.
- C. Employees who shall have completed eight (8) consecutive years of service are entitled to three (3) weeks of paid vacation.
- D. Vacation time cannot be carried over to subsequent years but must be taken as accrued or shall be deemed to have been waived without compensation.
- E. All accrued vacation will be paid for on separation from employment to the employee or to his/her estate upon his/her death. The scheduling of vacation days will be made at the discretion of the supervisor of the department.

§ 18-5. Holidays.

A. Employees shall be allowed the following holidays, with pay:

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|----------------------|---------------|
| New Year's Day       | Memorial Day  |
| Independence Day     | Labor Day     |
| General Election Day | Veterans Day  |
| Thanksgiving Day     | Christmas Day |

B. In the event of the previously mentioned holidays falls on a Saturday, employees shall be granted the preceding Friday off with pay. If the holiday falls on Sunday, employees shall be granted the following Monday off with pay. The designated holiday shall be scheduled at the discretion of the department head.

**§ 18-6. Sick Leave.**

A. Employees will be allowed five (5) working days a year for sick leave with pay. Any further days may be granted at the discretion of the Town Board after review of a written request of the employee or his supervisor. A doctor's certificate may be required, to be produced by the employee, evidencing medical reasons for any medical absence. Nothing herein shall be construed to require the Town Board to grant sick leave in excess of five (5) days.

B. Sick days are not to be used as personal leave, holidays or vacation time.

C. No cash remuneration may be paid for or in lieu of sick days.

D. Sick days may be accumulated to a maximum of one hundred (100) days or to bridge the amount of days after which the employee shall be entitled to other provided disability benefits, whichever period is less. These sick days may be accumulated hereunder solely for purposes of sick leave. Nothing herein shall be construed to be paid for sick leave not used.

**§ 18-7. Personal Leave.**

Employees shall be entitled during each calendar year to two (2) personal leave days, with pay, for personal business which cannot be reasonably accomplished outside the regular workdays. This shall be scheduled with the approval of the department head.

**§ 18-8. Bereavement leave.**

A. Employees may be granted up to three (3) days off with pay on the occurrence of a death in the immediate family, upon notice to the department head. "Immediate family" shall consist of mother, father, spouse, children, stepmother, stepfather, stepchildren and grandchildren.

B. In the event of the death of an employee's brother, sister, grandparent or parents-in-law, the town will pay the employee for one (1) working day to attend the funeral or memorial services.

**§ 18-9. Health insurance.**

- A. Effective as of the date of the adoption of this chapter, all new, full-time employees shall be covered by the Town of Windsor's health insurance program at town expense.
- B. For family coverage, an employee must be married and/or be required to support legal dependents.
- C. Elected officials shall be covered while in office only, by an individual plan, at the expense of the town. Said elected officials may purchase family coverage by paying the town for the difference between individual and family coverage, on a monthly basis.
- D. All full-time employees, elected officials or persons otherwise eligible for Town of Windsor health insurance benefits who are eligible for Medicare shall receive a supplemental coverage only at the town's expense.

**§ 18-10. Disciplinary action and discharge.[Amended 4-2-97 LL No.1-1997]**

- A. An employee may be disciplined (suspended without pay or reduced in his or her position) and /or terminated for just and sufficient cause. Sufficient cause shall include but not be limited to the following:
  - (1) **Absence, tardiness, abuse of sick leave:** excessive tardiness, any unauthorized absence, excessive absence or abuse of sick leave.
  - (2) **Discourtesy:** the use of excessive or repeated unjustifiable, discourteous action or language toward the general public or fellow employees or supervisors.
  - (3) **Falsification of records:** the falsification of town records.
  - (4) **Improper use of authority:** the use by an employee of his/her position and/or authority for personal profit or advantage.

- (5) **Insubordination:** a refusal to comply with a proper order by an authorized supervisor.
- (6) **Intoxication of alcohol, influence of drugs or disgraceful conduct:** the act of disgraceful conduct, at any time of day, when such act and/or behavior threatens the order, safety or health of the public or the public respect for the town government, or intoxication or disorderly conduct during the course of an employee's performance of his or her duties and responsibilities. "Intoxication," as defined in this subsection, is an employee being under the influence of alcohol, drugs or other controlled substances to such an extent that, in the opinion of the supervisor or the Town Board, the individual poses a threat to the efficient, safe or orderly functioning of the Town of Windsor.
- (7) **Failure to perform duties:** failure to make a reasonable effort to perform any type of emergency duties and/or responsibilities when requested to do so by a supervisor or failure on a repetitive basis to adequately perform job-related tasks.
- (8) **Theft or destruction:** the act of stealing and/or the careless or willful destruction of town property.
- (9) **Unlawful conduct:** the violation of or refusal to comply with pertinent town rules and regulations or any other laws when such action impairs the efficiency of or the public's respect for the town government or actions during or related to employment which result in an employee's conviction of a misdemeanor or felony.
- (10) **Physical violence:** any act or loss of control resulting in physical violence or any act of physical violence occurring on any premises owned by the Town of Windsor, during the course of any employment by the Town of Windsor, or directed at any employees or officers of the Town of Windsor.[Amended 4-2-97, LL No. 1-1997]
- (11) **Fraudulent activities:** any act or activities of fraud, deceit, misrepresentation or concealment.
- (12) **Damage of equipment:** any willful, intentional or reckless disregard resulting in the damage of town equipment or property.

(13) **Drug conviction:** any conviction for drug-related activities.

**§ 18-10**

**PERSONNEL POLICIES**

**§ 18-13**

(14) **Alcohol conviction:** In the event of any conviction for driving while intoxicated or driving while impaired resulting in a loss of a driver's license, such employee shall not be permitted to operate town vehicles which require a driver's license for a period of six (6) months from the date of the conviction and/or the re-issuance of the required driver's license, whichever is sooner. If the conviction occurs from acts committed while on duty, this may be grounds for dismissal.

(15) **Other:** any conduct or course of conduct detrimental to the interest of the Town of Windsor, during or related to employment which is sufficiently detrimental to the Town of Windsor to require, in the opinion of the Town Board, dismissal.

B. General procedures: Upon written request, an employee shall be entitled to a written statement of the charges against the employee, the opportunity to be heard and to present evidence and witnesses on his or her behalf and to be represented, if the employee so chooses, by counsel, at the employee's own expense.

**§ 18-11. Retirement.<sup>2</sup>**

All employees, including for purposes of this sub-chapter §18-11 only, part time employees may participate in the New York State Employees' Retirement System as provided by the State of New York effective as of November 1, 1991

**§ 18-12. When effective.**

The provisions of this chapter will take effect upon filing with the Secretary of State of the State of New York. The rights of employees under all sections shall be computed from the actual last hiring date of town employees.

**§ 18-13. Applicability.**

The provisions of this chapter shall apply to all persons whose employment or service

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<sup>2</sup>Amended, March 4, 1992 by the Windsor Town Board, L.L. No. 1-1992.

commences on or after the effective date of this chapter. All persons who began employment or service with the Town of Windsor before the effective date of this chapter shall be governed by the policies in effect at the time of the commencement of their service or employment.

**§ 18-14**

**WINDSOR TOWN CODE**

**§ 18-15**

**§ 18-14. Supplementary rules and regulations.**

The Town Board of the Town of Windsor may from time to time, by resolution, establish such additional or supplementary rules and regulations as it may deem to be necessary to accomplish the purposes of this chapter.

**§ 18-15. Severability.**

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof directly involved in the controversy in which such judgment shall have been rendered.