



Watertown City Council  
Monday, November 9, 2015  
7:00 p.m.

WORK SESSION AGENDA

Discussion Items:

1. Employee Handbook
  - Jeff Travers, Public Sector HR
  
2. Flower Memorial Library HVAC Evaluation
  - Justin L. Wood, City Engineer

# CITY OF WATERTOWN



# EMPLOYEE HANDBOOK

Adopted by resolution of the City Council on **DATE**



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# CITY OF WATERTOWN



# EMPLOYEE HANDBOOK

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# City of Watertown Employee Handbook

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## **100 INTRODUCTION**

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### **101 *Welcome Message***

We would like to welcome you and congratulate you on your appointment to a position with the City of Watertown. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

This Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the City in delivering services to the public effectively and efficiently.

Please keep in mind that this is only an overview of the City's policies and procedures, employee benefits, and the Civil Service System. Specific questions concerning employment matters should be addressed to your supervisor and/or Department Head.

We trust that you will find service with the City of Watertown rewarding both personally and professionally.

### **102 *A Message for Our Union Members***

This Employee Handbook has been developed by the City of Watertown to assist you in getting acquainted with your employment with the City. A cooperative labor-management relationship not only lends to a positive work environment but also helps ensure fair treatment in the workplace.

It is important that all employees understand the personnel policies, procedures, and work rules outlined in this Employee Handbook. For union members, the collective bargaining agreement governs the terms and conditions of employment. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative. Anywhere that the Agreement and this Handbook conflict, the Agreement will control. However, in certain instances where the Handbook covers an issue that is not the subject of bargaining, this Handbook will control. Under certain circumstances a past practice may prevail. We have made every effort to acknowledge these situations. If you have any questions, you should contact your Department Head or union representative.

We hope that your career with the City of Watertown will be an enjoyable experience.

## 103 *Our Heritage*

The settling of Watertown in 1800 began a 200-year legacy that continues today. The New England pioneers who chose our area did so based on foresight of creating an industrial center, which would draw its power from the mighty Black River. These men and women have been described as people of strong feeling, vivid imagination and dauntless courage. They, along with their families, faced many obstacles when they arrived. The terrain was rough and uncleared. The western end of the present Public Square was twelve or fifteen feet higher than the eastern end while the center was a depression that has been described as being large enough for a comfortable skating rink. There was a stream of water having its source south of Clinton Street and running across Stone Street in front of the Arcade, crossing the western end of the Square on its way to the river. Yet, out of this unsightly spot within a few years evolved one of the most beautiful public squares to be found in any city of its time.

The naming of Watertown as the county seat, in 1805, led to much progress in the hamlet. Lawyers such as Benjamin Skinner, Egbert TenEyck, Amos Benedict and Samuel Whittlesey set up practice here. Six hotels were constructed. The Failing Hotel, first known as the Traveler's House, was built in 1808 at the corner of Main and LeRay Streets. During the War of 1812, the soldiers used it as a barracks. Court Street became both a residential and business street. Small mills and factories sprang up and businesses extended along Factory Street. John Safford, Tuttle & Sill and Otis & Duane launched new stores. Other well-known names such as Norris, Woodruff, Hungerford, Paddock and Fairbanks also engaged in businesses.

The development of waterpower was the force that started the wheels of progress for the community. Watertown became one of the nations' principal paper manufacturing communities and can still boast that it has the oldest continuously running paper mill in the nation – Knowlton's Specialty Papers. Factory Village, which later became Factory Square, had its real beginning when the Black River Cotton and Woolen Manufacturing Company was built in 1813. The mills and businesses depended on the mighty Black River for its power.

Watertown became an incorporated village in 1816 and continued to prosper. Businesses, industries and population doubled by 1824. Growth continued in the decade between 1850 and 1860 seeing the largest amount of building construction. This was due in part to rebuilding after a devastating fire but also to new building expansion.

The Davis Sewing Machine Co. employed about 200 people. The Watertown Steam Engine Co. had assets estimated at \$1,000,000. The paper making industry was flourishing. H.H. Babcock's carriage factory and Watertown Spring Wagon Co. were two of the many businesses that were helping Watertown to thrive. The railroad was of tremendous importance to the economy. People marveled at the telephone, the electric light and even "street name plates" that the City installed.

The next 100 years of history includes the story of our veterans who went to wars and the citizens who helped with the war effort from home. Watertownians took pride in their community and at one time, Watertown was named "The Ideal American City". Over the years, the economic climate has affected business and industry. However, some of today's businesses have their roots in our early history. Even though the City is much different from the hamlet of 1800, we can take pride in the rich heritage that was left for us and for future generations.

Source: City of Watertown Website, "Our History" - <http://www.watertown-ny.gov/index.asp?nid=411>

## 104 **Definitions**

**City of Watertown** – For purposes of this Employee Handbook, the City of Watertown may be referred to as the “City”.

**City Council** – For purposes of this Employee Handbook, “City Council” will mean the City Council of the City of Watertown.

**Elected Official** – For the purposes of this Employee Handbook, “Elected Official” will mean and refer to any of the following elected officials of the City of Watertown:

- Mayor
- City Council Members

**City Manager** – For purposes of this Employee Handbook, “City Manager” will mean the City Manager of the City of Watertown. When referenced in this Employee Handbook, City Manager shall also mean an individual acting with the City Manager’s properly designated authority.

**Department Head** – For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, unit, or subdivision of the City of Watertown. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the City Manager, where an individual otherwise designated as Department Head or any other individual must report directly to the City Manager.

**Supervisor** – For purposes of this Employee Handbook, “supervisor” will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

**Employee** – For the purposes of this Employee Handbook, “employee” will mean a person employed by the City, including, but not limited to, an appointed official, an appointed member of the Council or a commission, Department Head, Management Employee, Management Confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

**Management and Management Confidential Employees** – For purposes of this Employee Handbook, “Management” and “Management Confidential” employees will refer to those non-union employees whose job titles have been allocated to the Management or Management Confidential group.

**Civil Service Law** – For purposes of this Employee Handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *City of Watertown Civil Service Commission Rules*.

## 105 **Employee Classifications**

For purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a collective bargaining agreement.

**Full-Time Employees** – For purposes of this Employee Handbook, the term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty-five hours per week.

**Part-Time Employees** – For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work less than thirty hours per week.

**Temporary Employees** – For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

**Seasonal Employees** – For purposes of this Employee Handbook, the term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

**FLSA Non-Exempt Employees** – For purposes of this Employee Handbook, the term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

**FLSA Exempt Employees** – For purposes of this Employee Handbook, “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or an employee who is not covered under the FLSA.

## 106 *The Purpose of this Employee Handbook*

**Statement of Purpose** – The purpose of this Employee Handbook is to communicate the City’s personnel policies and practices to all employees. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, expressed or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, a collective bargaining agreement, or any other applicable law, rule, or regulation. The provisions and policies contained in this Employee Handbook are intended to supersede any and all prior manuals, guidelines or related policies issued by the City of Watertown, unless clarity is provided in a departmental standard operating policy

Unless otherwise required by law, the provisions of this Employee Handbook are for City use only and do not apply in any criminal or civil proceeding. The Employee Handbook provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Handbook provision may form the basis for administrative action by the City and any subsequent judicial or administrative proceeding.

**Previous Personnel Policies** – Unless otherwise specified, this Employee Handbook supersedes and replaces any previous personnel policies issued by the City concerning all policies contained herein.

**Superseding Agreements** – In the event an expressed and explicit provision set forth in a separate written agreement between the City and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

**Collective Bargaining Agreements** – In the event an expressed and explicit provision set forth in a collective bargaining agreement between the City of Watertown and an employee organization as defined by the Public Employees’ Fair Employment Act (Taylor Law) should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

**Police and Fire Departments** – The Police and Fire Departments have established policies and procedures governing the operation of their respective departments. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Police or Fire Department, the latter shall supersede.

**Questions** – Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head.

## 107 Changes or Modifications

**Rights of the City Council / City Manager** – The City Council and/or the City Manager reserve the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

**Governmental Actions** – This Employee Handbook is subject to alteration by the City Manager, changes in City and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

**Statutes, Laws and Ordinances** – In the event a federal or state statute or local law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

## 200 THE CIVIL SERVICE SYSTEM

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The following is intended as a guide for informational purposes. The Civil Service Law and the *City of Watertown Civil Service Commission Rules* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

### 201 *The Unclassified and Classified Services*

**Unclassified Service** – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Unclassified Service” will include all individuals who are Elected Officials and/or members of Councils or commissions.

**Classified Service** – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the *City of Watertown Civil Service Commission Rules* will include all City employees who are subject to the *City of Watertown Civil Service Commission Rules*. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

### 202 *Civil Service Appointments*

**Competitive Class** – In accordance with Civil Service Law, the following types of appointments may be made to positions in the Competitive Class:

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or

- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

## **203 Examinations and Promotions**

**Examinations** – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the City intends to maintain, the City will fill the vacancy by selection from the eligible list certified by the City of Watertown Civil Service Commission of persons who have taken the appropriate Civil Service examination. The City of Watertown Civil Service Commission will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the City will select one of the top three eligible candidates on the list willing to fill the position.

**Promotions** – The City will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above “one of three” rule will apply. An employee who wants to be promoted should become knowledgeable about the employee’s present position and be aware of higher level positions for which the employee may be qualified.

## **204 Veterans Credits**

**Summary** – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veteran’s credits on a Civil Service examination. An employee who is a veteran should contact the City of Watertown Civil Service Commission for details concerning these credits.

## 300 EMPLOYMENT MATTERS

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### 301 *Oath of Office*

**Requirement** – Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance Public Officers Law Section 10, which must be administered prior to commencing the duties of the office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Upon original appointment or upon a new appointment following an interruption of continuous service, each employee (other than an employee in the labor class) must take an oath or alternate affirmation as set forth in Civil Service Law Section 62.

**Filing of Oath** – The Oath of Office is filed in the City Clerk’s Office within twenty calendar days of the Public Officer’s commencement of the term of office, or upon an employee’s appointment.

### 302 *Procedure for Filling Vacancies*

**Statement of Compliance** – The City of Watertown is an Equal Opportunity Employer. The City complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Public Officers Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

**Notification of Vacancies** – Except as otherwise provided for in a collective bargaining agreement, in the event there is a vacancy in a new or existing position which the City intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed.

**Employment Applications** – The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City’s exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

**Employment Reference and Background Checks** – To ensure that individuals who join the City are well-qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the City to conduct appropriate background checks.

**Pre-Employment Physicals / Drug Screening** – When appropriate in accordance with the requirements of a particular position, the City may require that an applicant undergo a medical examination (after receiving a conditional offer of employment) to determine fitness for duty. In doing so, the City will comply with the provisions of the Americans with Disabilities Act (see Section 802 of this handbook). Additionally, all final applicants for a position that requires a commercial driver’s license must consent to be tested for the presence of a controlled substance as a pre-qualifying condition to employment.

### 303 **Nepotism**

**Policy Statement** – City employees or officials may not authorize or use the authority or influence of their positions to secure employment for or to benefit a person closely related by blood or marriage, or another significant business relationship.

### 304 **Probationary Period**

Except as otherwise provided in a collective bargaining agreement, the *City of Watertown Civil Service Commission Rules* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

**Purpose of Probationary Period** – The purpose of the probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

**Length of Probationary Period** – Except as otherwise provided in the *City of Watertown Civil Service Commission Rules* or the applicable collective bargaining agreement, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight (8) weeks nor more than fifty-two (52) weeks. For Police Officers, the probationary period shall be for a term of not less than eight (8) weeks nor more than seventy-eight (78) weeks. The length of the probationary period may be extended in accordance with the *City of Watertown Civil Service Commission Rules*.

**Successful Completion of Probationary Period** – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law or a collective bargaining agreement, completion of the probationary period does not necessarily confer rights or privileges in the position.**

**Employment Status During Probationary Period** – During the probationary period (at any time after the completion of the minimum probationary period and before completion of the maximum probationary period), an employee will be subject to demotion, suspension, or discharge at the City's sole discretion. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

### **305 New Employee Orientation**

**Procedure** – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the City and their job. The orientation process generally consists of, but is not limited to, a visit to the Comptroller’s Office for payroll processing, enrollment in benefit plans, if applicable, a tour of the employee’s assigned worksite, and distribution and review of this Employee Handbook. In addition, the employee’s Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, providing a copy of departmental policies, and reviewing the job description and performance requirements of the position.

## 306 **Corrective Action and Discipline**

**Policy Statement** – It is the policy of the City of Watertown that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the City, and the delivery of services to residents of the City. Any conduct that interferes with operations or that discredits the City will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the City. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

**Communication** – Open and candid communications with all employees is an important aspect of the City of Watertown's on-going employee relations. When a rule, policy, or procedure is violated, the employee's Department Head, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered.

**Counseling** – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a timeframe for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

**Discipline** – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. The City retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit, except as limited by a collective bargaining agreement.

**Investigations** – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual(s) in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The City reserves the right to suspend an employee while an investigation is conducted.

During the investigation process, a union employee who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice of such right. In the event the

employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

**Procedures** – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 308 of this Employee Handbook). An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure is the only method of resolving challenges to disciplinary action and wholly replaces the provisions of Civil Service Law Sections 75 and 76.

**Prohibited Conduct** – Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the City's right to impose discipline in other appropriate cases.

- Willful violation of City and/or departmental rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the City, supplier, visitor, or any other person, whether on or off City premises.
- Engaging in any action that is in violation of the City's Workplace Violence Prevention Policy.
- Possession of any non-authorized tool or weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on City property or in City vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Use, distribution, sale, or being under the influence of alcohol or controlled substances during scheduled hours of work or in City vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of City property or the property of another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of City property or the property of another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the City.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.

- Making false statements about another employee, Elected Official, resident of the City, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of City policy or applicable law.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the City's best interest, or any conduct that does not warrant public trust.
- Committing any violation of the law either on or off duty or on or off the work site that implicates the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of City funds.
- Illegal gambling while on duty.
- Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with City operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or failure to give proper notice of an absence.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the express permission of the Department Head.
- Use of personal listening devices (e.g. iPods/MP3 players, etc., with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

This list is not intended to be comprehensive and does not limit the City's right to impose discipline in other appropriate cases.

### 307 **Civil Service Law Section 75**

**Summary** – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the City.

**Union Employees** – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure is the only method of resolving challenges to disciplinary action and wholly replaces the provisions of Civil Service Law Sections 75 and 76.

**Covered Employees** – In accordance with Civil Service Law, the following employees are generally covered under Section 75:

- A newly hired employee who has not completed the minimum probationary period as determined by civil service rules;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, other than a position designated in the City of Watertown Civil Service Commission Rules as confidential or requiring the performance of functions influencing policy. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

**Disciplinary Procedure** – Except as otherwise provided by a collective bargaining agreement, the following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75:

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.

- **Disciplinary Hearing** – Unless there is a stipulation of settlement between the City and the employee, the employee is afforded the right to a hearing in accordance with provisions established by Civil Service Law Section 75. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose.

The Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

**Right to Representation** – The employee may have representation by counsel or by a representative of a recognized or certified employee organization at the hearing and may summon witnesses on the employee's behalf.

**Suspension Without Pay Pending Determination of Charges** – Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty calendar days.

**Penalties** – In the event the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- Reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from City employment.

**Finding of Not-Guilty** – In the event the employee is found to be not guilty of all charges and specifications, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

**Limitations** – Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

**Filing Requirements** – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the City of Watertown Civil Service Commission.

## 308 Code of Ethics

### **§32-1 Legislative Intent:**

Pursuant to the provisions of §806 of the General Municipal Law, the Council of the City of Watertown recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Article to promulgate these rules of ethical conduct for the officers and employees of the City of Watertown. These rules shall serve as a guide for official conduct of the officers and employees of the City of Watertown. The rules of ethical conduct of this Article, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### **§32-2 Definitions:**

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

**Interest** - A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

**Municipal Officer or Employee** - An officer or employee of the City of Watertown, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

### **§32-3 Enumeration of Standards:**

Every officer or employee of the City of Watertown shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part. [Amended 9-4-2001]
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Council and any officer or employee of the City of Watertown, whether paid or unpaid, who participates in the discussions or gives official opinion to the Council on any legislation before the Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Watertown in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

**§32-4 Claims arising out of personal injury or property damage:**

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City of Watertown, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§32-5 Distribution:**

The City Manager of the City of Watertown shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the City of Watertown within 30 days after the effective date of this Article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

**§32-6 Penalties for offenses:**

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Article may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

## 309 **Personnel Records**

**Policy Statement** – It is the policy of the City to balance its need to obtain, use, and retain employment information with a concern for each employee’s privacy. To this end, the City will endeavor to maintain only that personnel information necessary for the conduct of the City’s business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

**Content** – The personnel records maintained by the City include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisals, grievance or dispute resolution notices, counseling memoranda, notices of discipline, and probationary reports.

**Location of Files** – All original personnel records for current employees will be kept in the City Manager’s office and will be controlled by the Confidential Assistant to the City Manager.

**Employment Eligibility Verification (I-9) Forms** – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file in the City Comptroller’s Office.

**Medical Records** – All employee medical records will be kept in a separate file apart from the employee’s personnel file in the City Manager’s office and will be maintained and controlled by the Confidential Assistant to the City Manager. ***For security purposes, these files will be locked at all times.***

**Substance Testing Records** – All employee substance testing records will be kept in a separate file apart from the employee’s personnel file in the City Manager’s office and will be maintained and controlled by the Confidential Assistant to the City Manager. ***For security purposes, these files will be locked at all times.***

**Change in Status** – An employee must immediately notify the Department Head of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations and individuals to notify in case of emergency.

**Review of Personnel Files** – Access to personnel files is limited. A current employee may review the contents of the employee’s own personnel file by submitting a written request to the City Manager, with the review to be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. At the employee’s request, a union representative may be present during the review. An employee may not copy, remove, or place any material in the employee’s personnel file without the approval of the City Manager’s Office.

## 310 **Separation from Employment**

**Notice of Resignation (Department Heads)** – A Department Head who intends to resign from employment must submit a written resignation to the City Manager at least thirty days before the date of resignation is to be effective. Failure to provide the notice listed above may result in the employee not being paid for their unused vacation accruals.

**Completion of Notice Period** – When a resignation notice is provided by an employee, the City reserves the right to waive some or all of the notice period.

**Notice of Resignation (Public Officers)** – A Public Officer (as defined by Public Officers Law) must resign by delivering a written notice to the City Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the City Clerk. If a Public Officer wishes to resign at some future date, the Public Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the City Clerk, the resignation will become effective thirty days after such delivery.

**Exit Interviews** – Exit interviews are normally conducted by the employee's Department Head. The exit interview provides an opportunity to discuss a number of items, one of which would be the return of City property. Information regarding employee benefits and COBRA eligibility may be obtained from the Benefits Administrator in the City Manager's Office. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

**Final Paycheck** – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable.

## 400 OPERATIONAL POLICIES

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### 401 *Departmental Hours*

**Normal Hours of Operation** – The normal hours of operation are established by the City Code. Except as otherwise provided in a collective bargaining agreement, an employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The City Manager reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or City Law.

**Overtime** – An employee may be required to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or his/her designee before working additional hours.

### 402 *Meal Breaks and Breaks for Nursing Mothers*

**Meal Breaks (35 hour per week employees)** – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed sixty minutes.

**Meal Breaks (40 hour per week employees)** – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty minutes.

**Scheduling of Meal Breaks** – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday.

**Observance of Meal Breaks** – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time. Under limited circumstances, when required by the demands of the job and with Department Head approval, the meal break may be applied at the end of the workday. This shall not occur on a regular basis.

**Breaks for Nursing Mothers to Express Breast Milk** – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The City will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The City will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the City advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the City an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

## 403 **Emergency Situations**

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth below and should refer to the applicable collective bargaining agreement.

**Closing Procedures** – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the City Manager or designee may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the City Manager may direct that certain employees who perform non-essential services leave work.

**Payment of Wages** – Pay for FLSA exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – An employee who is directed by the City Manager or designee to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. The employee may charge such absence to available vacation or personal leave credits or make up the time at a later date if agreed to by the Department Head.
- **Prior to Reporting to Work** – An employee who is directed by the City Manager or designee not to report to work due to an emergency closing will not be paid for that workday. The employee may charge such absence to available vacation or personal leave credits or make up the time at a later date if agreed to by the Department Head.

**Inclement Weather** – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the City. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the City Manager or designee has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must contact his or her Department Head prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay.

## 404 **Time Records**

**Policy Statement** – Time records provide a means of accurately accounting for time worked and authorized paid leave taken by employees. The City uses time sheets to collect this important information.

- All employees are required to complete an individual time sheet showing the daily hours worked or time periods being accounted as paid/unpaid leaves, in accordance with the following procedures:
  1. Time records must be prepared for all employees in accordance with each department's time recording procedures.
  2. All paid and unpaid leaves of absence must be recorded in the pay period used and noted as to the type of absence (vacation, sick, bereavement, etc.).
  3. Employee time records must be approved by each department head or designee.
- Department Heads must submit completed time records to the City Comptroller's office no later than 12:00noon on the Monday of each pay week or by 10:00a.m. on any pay week which includes a designated holiday.

**Correction of Errors** – An employee must immediately bring errors in time records to the attention of the employee's Department Head or designee who will investigate the matter and make and initial the correction once the error has been verified.

**Arriving at Work Before or Leaving After Scheduled Work Hours** – Arriving at work before the scheduled starting time or leaving work after the scheduled ending time for an employee's own convenience is permitted but is not to be included in paid working time. Work performed for the City outside of the employee's regular work schedule will not be paid unless prior approval has been obtained from the Department Head (i.e. unauthorized overtime is prohibited). Violations of this policy will result in appropriate corrective action.

**Falsification of Time Records** – An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee's own time record, the Department Head or designee may complete the time record on behalf of the employee.

## 405 **Bonding**

**Insurance** – The City will provide bonding insurance for an eligible employee who is required to act in a fiduciary capacity.

## 406 *Vehicle Usage*

**Policy Statement** – All vehicles and related equipment of the City of Watertown are owned and maintained for the purpose of conducting official business of the City. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

**Standards** – For the purpose of compliance with this policy, the following standards must be met at all times:

- City vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- City vehicles must be assigned to specific City officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-City related business.
- City vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees must always wear seat belts when operating City vehicles. Employees are responsible for any driving infractions or fines that result from their operation of City vehicles, and must report them to their Department Head. The City is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.
- Any accident involving a City vehicle, regardless of severity, must be reported immediately to the Police Department within the jurisdiction of the accident followed by the appropriate Department Head or supervisor. The Department Head must file an accident report with the City Manager's Office within twenty-four hours.
- The use of a cell phone when driving on City business is prohibited. Members of the City Police Department are exempt from this provision.
- City vehicles may not be used to transport persons nor material not related to the conduct of official City business without direct authorization by the appropriate Department Head or the City Manager.
- City vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.
- Tobacco use of any kind is strictly prohibited inside of City vehicles.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on City vehicles at any time, except those of a limited community service nature which have been authorized by the City Manager.

## 407 **Driver's License / Insurance Requirements**

**Requirement** – An employee who is required to drive either a City-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the City, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the City. If a personal vehicle is used to conduct business on behalf of the City, the employee is responsible for ensuring liability insurance coverage meeting NYS requirements is appropriately maintained.

**Commercial Drivers** – An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. Proof of such license must be on file with the City. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the City within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

**Loss of Driver's License** – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's continued employment with the City, including termination of employment for inability to perform the duties of the job. The City will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

**Insurability Standards** – It shall be solely the responsibility of a City employee to meet or exceed all insurability standards, as established from time to time by the City Council or the City's insurance carrier, which are required for the use or operation of a City vehicle. Failure to maintain acceptable insurability standards may affect the employee's employment status with the City.

#### **408 Supplies, Tools and Equipment, and Fuel Usage**

**Supplies** – All City-owned supplies must be used efficiently and not wasted. An employee may not use any City supplies including, but not limited to, postage, paper, or office supplies for personal use.

**Tools and Equipment** – The employee must repair or replace any City-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any City-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use City facilities, City-owned tools or equipment to work on vehicles or trailers not owned by the City.

**Fuel** – An employee may not use gasoline, fuel oil, or motor oil purchased by the City for personal use.

## 409 Telephone / Cell Phone Usage

**Guidelines** – Telephone and cell phone usage must adhere to the following guidelines:

- An employee will answer promptly and speak in a clear, friendly and courteous tone.
- An employee will give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may make and/or receive personal telephone or cell phone calls during work hours, but the calls must not interfere with job performance.
- An employee may not make or receive personal calls on a City provided telephone or cell phone that will result in additional charges to the City, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the City for the cost of the call.
- The use of City issued phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on City business is prohibited. Members of the City Police Department are exempt from this provision.

**Personal Cell Phone / Electronic Device Usage** – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below. These guidelines do not apply to City-owned cell phones that are issued for the specific use of an employee's job duties. Where the term cell phone is used in these guidelines, it shall be considered to include all types of portable electronic devices (e.g. iPads, Kindles, MP3 players, netbooks, etc.).

- With the exception of an emergency situation, cell phones may not be used for personal purposes during work hours unless the employee is on an authorized break or has permission from a supervisor.
- No personal text messages may be sent or received during working hours.
- No web browsing, music, movies, or all other uses of cell phones will be allowed during working hours.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the City.

#### **410 Acceptable Use Policy: Computer, Email and Internet**

**Purpose** – The goal of this policy is to ensure that all usage of City-owned computer equipment and City employee access and use of internal and external data resources, including the Internet and e-mail, are consistent with City policies and all applicable laws. It is also to encourage and promote responsible, efficient, ethical and legal utilization of these resources and to establish guidelines for their acceptable use.

**Scope** – This policy applies to all users of City-owned computer equipment and access to internal and external data resources using City-owned computer equipment. Some examples of resources include the Internet and E-mail. This policy also applies to city-owned or supplied wireless and hand-held devices including cell phone and mobile computing devices.

**Access** – Access to, and the use of, City owned computer systems, data, and/or equipment are determined by the employee's Department Head or the Department Head's designee and fulfilled by the Information Technology Department. Any unauthorized use of, or access to, the aforementioned is prohibited. This section of the policy also applies to the use of personal equipment when being used by City employees for work purposes during work hours.

**Appropriate Usage** – The Internet, and all technology equipment, should be utilized primarily for City business purposes. Use of the aforementioned items must not compromise the integrity of the City or its business in any way. No City employees shall intentionally use Internet services in an illegal, malicious, or obscene manner, including but not limited to, using the services to access materials such as those advocating, hate, pornography or violence. Employees should receive proper approval from the IT department prior to connecting any personal, or City owned technology equipment to City networks. This section of the policy also applies to the use of personal equipment when being used by City employees for work purposes during work hours.

**Ownership and Privacy** – The City's computers and other technology devices, as well as the data that resides on them, are considered to be City property. As such, employees should be aware that their use of the aforementioned devices, and the data that resides on them, may be subject to an audit at any time.

**Passwords and User Accounts** – All employees should safeguard their accounts and passwords. Accounts and passwords should not be used by, or shared with, any other person.

**Disposal of Computer Equipment** – Employees should defer to the Information Technology department for the appropriate disposal of technology equipment and/or software including computers, printers, scanners, fax, network, disk, tape, removable media, digital cameras, documentation and manuals.

**Compliance** – Any employee found in violation of this policy may be subject to disciplinary action up to, and including, termination. Notwithstanding any statement herein, or in any policy or in any verbal statements, the City Manager or his/her designee has sole discretion to grant, transfer, suspend, or cancel any employee's access at any time for any reason.

#### **411 Personal Appearance**

**Policy Statement** – It is the policy of the City that each employee’s dress, grooming and personal hygiene should be appropriate to the work situation.

**Standards** – Acceptable personal appearance is an ongoing requirement of employment with the City. An employee must maintain their personal appearance in a manner that reflects their position. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Each Department Head shall have the authority to determine what is and what is not acceptable.

**Safety Clothing and Equipment** – An employee may be required to wear safety clothing and equipment as directed by the Department Head. If such is the case, the employee must comply with all safety requirements.

**Uniforms** – An employee may be required to wear a uniform as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements.

#### **412 Solicitations/Distributions**

**Policy Statement** – It is the policy of the City to limit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as follows: The City Manager has the authority to allow solicitation by non-employees. Department Heads have the authority to approve/disapprove solicitation within their own respective departments.

#### **413 Disclosure of Information**

**Policy Statement** – The City of Watertown promotes open government and complies with all requirements regarding public access to information. However, the City recognizes that certain documents, records, and other information pertaining to City operations and activities contain sensitive and/or confidential information about City residents and others who do business with or on behalf of the City and/or its residents. Requests for such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other City employees, family members or friends who do not have a City business reason to have such information. This includes posting of such information in any public forum (computer or otherwise) or on computer social networking sites.

**Responsibility for Security of Confidential Information** – Elected Officials, Department Heads and employees are responsible for maintaining the security of documents, records and other information that fall within their department operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the City Manager.

**Employee Personal Information** – An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

#### **414 Visitors**

**Policy Statement** – Visitors are allowed for brief visits as long as such visit does not interfere with City operations or interrupt other employees who are still working.

#### **415 Purchasing**

**Policy Statement** – The City has established an official procurement policy that must be followed without exception. No employee shall make purchases for the City, or use the City's name to make purchases, unless so authorized by the City Manager and the Purchasing Agent and in adherence to the procedures set forth in the procurement policy.

It is permissible for an employee to make a personal purchase at an establishment that offers a discount on personal purchases on the basis of the person's status as a City employee, however, the employee must not invoke the name of the City as being involved in the transaction or imply that the personal purchase has any connection to official City business.

## 416 **Maintenance of Work Area**

**Policy Statement** – It is the policy of the City that work areas must be kept safe, clean and orderly at all times.

**Employee Responsibility** – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified in this Employee Handbook;
- Clean and store all tools and equipment as well as properly store and secure any items, papers or confidential information in a manner prescribed by the Department Head.

**Supervisory Responsibility** – Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort and safety;
- Abide by and enforce the City's smoking policy;
- Ensure the proper disposal of all trash and waste.

## **417 Personal Property**

**Policy Statement** – It is the policy of the City to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The City recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

**Personal Liability** – An employee is expected to exercise reasonable care to safeguard personal items brought to work. Except as otherwise provided by a collective bargaining agreement, the City will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

**Storing Personal Belongings on City Premises** – An employee is prohibited from storing personal belongings such as motor vehicles, boats, trailers, televisions, computer equipment, etc. on City premises. The City reserves the right to have any such items removed at the owner's expense.

**Security Inspections** – Desks, lockers and other storage devices may be provided for the convenience of employees but remain the sole property of the City. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, with or without notice. Whenever possible, this inspection will be made in the presence of the employee. The City is not responsible for loss or damage to personal property placed in such storage devices.

## **418 City Property**

**Employee Responsibility** – An employee will be responsible for any item issued by the City which is in the employee's possession and/or control, such as, but not limited to the following:

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Communication Devices
- Laptop computers and peripherals
- Books or other Reference Materials, including this Employee Handbook

**Return of Property** – Except as otherwise provided by a collective bargaining agreement, all City property must be returned to the City before the employee's last day of work.

## **419 Unauthorized Work**

**Policy Statement** – An employee may not perform work for any entity other than the City during the employee's authorized work hours, or claim that City work was done when such is not the case. Employees must devote their full scheduled shift to City business, as assigned.

## 420 **Outside Employment**

**Policy Statement** – It is the policy of the City that an employee may engage in outside work as long as such outside work does not interfere with the employee's performance standards, pose an actual or potential conflict of interest, or compromise the interests of the City.

**Guidelines** – The following guidelines have been established for an employee who engages in outside work.

- An employee will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.
- If the City determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the City.
- No City equipment, supplies, or other material may be used by an employee on other than City work.
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the City for materials produced or services rendered while performing the employee's City job.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the City.
- A City employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee's own time and that the employee is not representing the City while performing such work.

**Employee Responsibility** – A City employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Department Head.

**Union Employees** – In addition to the above guidelines, an employee who is a member of a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the collective bargaining agreement or rules of the department to which the employee is assigned.

## 500 ABSENCE POLICIES

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### 501 Attendance

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding absence from work:

**Tardiness** – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's supervisor, in a manner determined by their supervisor (e.g. via text, telephone call, etc.), before the employee's scheduled starting time or as soon thereafter as possible. The reason for tardiness and the expected time of arrival must be indicated to the supervisor.

**Daily Notification** – In the event an employee is unable to report to work, the employee must notify the employee's supervisor each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be waived.

**Scheduled Absences** – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the employee's supervisor in advance. All requests for time off are subject to approval by the employee's supervisor on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 804, Personal Leave, for further details.

**Unscheduled Absences** – An employee who is unable to report to work must personally contact the employee's supervisor at least two hours before the employee's scheduled starting time. The employee must notify their supervisor in a manner determined by the supervisor (e.g. via text, telephone call, etc.), indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Notification requirements may be waived in cases of emergency.

**Unexcused Absences** – Notification of an absence to an employee's supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's direct supervisor is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

**Early Departure** – In the event an employee must leave work during the workday, the employee must receive permission from the employee's supervisor prior to leaving.

**Leaving the Premises** – An employee must obtain prior approval from the employee's supervisor to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

**Documentation of Absences** – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

## 502 **Jury Duty Leave**

**Jury Duty Leave** – In the event a full-time or part-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the City is paying the employee's full pay during jury duty. If the employee receives a jury stipend from the courts, such amount must be reimbursed to the City. An employee can collect and keep any mileage or parking expense reimbursement that may be issued by the court system for performing jury duty.

The City shall pay a temporary or seasonal employee up to the statutory amount of the employee's wages for the first three days the employee serves jury duty if on those days the employee is scheduled to work for the City. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on jury duty.

**Notification of Jury Duty** – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's supervisor.

**Return to Duty** – Unless specifically addressed in a collective bargaining agreement, if the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

**Accrual of Benefits** – The City will continue to provide health insurance benefits for an eligible employee during the jury duty leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

## 503 **Military Leave and Military Leave of Absence**

**Military Leave (New York State Law)** – This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The City of Watertown recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The City will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

**Military Leave of Absence (Federal Law)** – An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

**Leave For Military Spouses (New York State Law)** – In accordance with NYS Labor Law §202-i, the City will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head.

#### **504 Leave for Cancer Screening**

**Policy** – The City of Watertown complies with New York State Civil Service Law which entitles all City employees to paid leave to undertake screening for breast cancer (under §159-b) and prostate cancer (under §159-c). This leave will not be charged against any available sick, vacation, personal, or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

**Allowance** – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate cancer (male employees only). 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.

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

**Documentation Requirements** – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the employee's supervisor 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) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

#### **505 Leave for Blood Donations**

**Policy** – The City of Watertown complies with New York State Labor Law Section §202-j which entitles City employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid; however, this does not preclude an employee's option to use available paid leave for this same purpose.

**Allowance** – An eligible employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment.

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

## **506 Time Off To Vote**

**Policy** – The City 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. If an employee is unable to vote in an election during non-working hours, arrangements can be made to permit voting during the workday.

**Procedures** – An employee should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled in a manner which causes the least disruption to departmental operations.

## **507 Bereavement Leave**

Employees should refer to their respective collective bargaining agreements or management policy regarding bereavement leave.

## 508 **Family and Medical Leave Policy**

**Statement of Compliance** – The City of Watertown complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

**Summary** – FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is calculated as the twelve month period measured forward from the date of the employee's first FMLA leave usage. The FMLA also provides an eligible employee with up to twenty-six weeks of *Military Caregiver Leave* to care for a covered service member (limited to a single twelve-month period). At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the employee returns to work immediately following such leave.

**Eligibility** – To be eligible for an unpaid leave under FMLA, an employee must meet the following requirements:

- The employee must have worked for the City for at least twelve months as of the first date of requested leave (these need not be consecutive);
- The employee must have worked for the City for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.
- Spouses who both work for the City are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period.

**Types of FMLA Leave** - Eligible employees will be afforded up to twelve workweeks of unpaid leave under **FMLA** under the following circumstances:

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and
- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

**Military Caregiver Leave** – Eligible employees will be afforded up to twenty-six weeks of leave to care for the employee’s spouse, son, daughter, parent, or nearest blood relative who is 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. This leave shall only be available during a single twelve-month period. During this single twelve-month period, the employee shall be entitled to a combined total of twenty-six workweeks of caregiver leave described in this section and the **Types of FMLA Leave** section described above. Nothing in this paragraph shall be construed to limit the availability of FMLA leave provided under the **Types of FMLA Leave** section above. For the purposes of this type of leave, “nearest blood relative” shall include the following in order of priority: a relative who has been granted legal custody of the covered service member, brothers, sisters, grandparents, aunts, uncles and first cousins, or a specific blood relative who has been designated as a service member’s caregiver. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members are considered to be next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

**Qualifying Exigency Leave** – Eligible employees who have a covered family member serving in either the National Guard or the Reserves are provided with up to 12 work weeks of FMLA job-protected leave for “any qualifying exigency” that arises while the covered family member is on active duty or called to active duty status in support of a contingency operation. The regulations identify eight categories for which an eligible employee may use FMLA leave under this qualifying exigency provision:

- *Short-notice deployment:* a covered military member is notified of an impending call or order to active duty 7 or less days before deployment;
- *Military events and related activities:* (a) to attend any official ceremony, program, or event sponsored by the military that is related to active duty; or (b) to attend family support or assistance programs or informational briefings sponsored by the military;
- *Childcare and school activities:* (a) to arrange for childcare when active duty necessitates a change in childcare arrangements; (b) to provide childcare on an urgent basis when the urgency arises from active duty status; (c) to enroll in a new school or daycare because of active duty; or (d) to attend meetings at a school or daycare for a child of a covered service member due to circumstances arising from active duty;
- *Financial and legal arrangements:* (a) to make or update financial arrangements to address a covered military member’s absence while on active duty; or (b) to act as a covered military member’s representative before a federal, state, or local agency to obtain or arrange military service benefits while a covered service member is on active duty;
- *Counseling:* to attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of a covered service member if the need for counseling arises from active duty or the call to active duty;
- *Rest and recuperation:* to spend up to 5 days of leave with a covered military member who is on short-term, temporary, rest and recuperation leave;

- *Post-deployment activities:* (a) to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies sponsored by the military for a period of 90 days after the termination of active duty status; or (b) to address issues that arise from the death of a covered military member while on active duty status; or
- *Additional activities:* a catch-all designed to address any other event that may arise out of active duty or a call to active duty status, provided that such leave is agreed upon by the employer and employee.

**Definitions** – The following terms are fully defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825. For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
  - \* A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
  - \* A period of incapacity due to pregnancy or prenatal care;
  - \* A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A “chronic serious health condition” requires periodic visits to a health care provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;
  - \* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  - \* A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
  - \* **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage;
  - \* **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined in directly below. This term does not include an employee’s parents "in law";

- \* **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Notification Requirements** – If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee must complete the Family And Medical Leave Act Request Form and forward the completed form to the City Manager's Office. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

**Extension of Original Leave Request** – In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the employee must submit a new Family and Medical Leave Request Form seeking approval for the extension.

**Status Reports** – The employee must periodically update the appropriate Department Head as to the employee's status and intent to return to work.

**Medical Certification** – The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the City Manager's Office. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

*The City of Watertown reserves the right to request a second opinion by another health care provider. The City will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the City may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the City and the employee. This third opinion will be final and binding.*

**Leave for the Birth, Adoption or Foster Care Placement of a Child** – Leave for the birth of a child or the placement of a child for adoption or foster care must conclude within twelve months from the date of the birth or placement.

**Certification for Adoption/Foster Care** – An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

**Employment Restrictions During Leave of Absence** – While on an approved leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the City of Watertown.

**Use of Accrued Paid Leave Credits** – Except as otherwise provided by a collective bargaining agreement, for the purpose of this policy, the following will apply:

- An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** must first use all available vacation leave credits during the authorized FMLA leave. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.
- For leave taken due to the **employee's own serious health condition**, the employee must first use all sick or vacation leave credits, which will be included in the maximum twelve-workweek period.
- In the event that the paid leave credits are greater than the maximum twelve-workweek period, an employee may use paid leave credits to **extend** the leave of absence beyond the twelve-workweek period, **up to a maximum of one year**. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the City Council may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *City of Watertown Civil Service Commission Rules*.

**Continuation of Benefits** – For the purpose of this policy, the following will apply:

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave. After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized FMLA leave of absence, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve workweek period, the employee should refer to Section 711 – Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA (see Section 708) will apply. In

addition, the City may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

- \* The continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, which would otherwise entitle the employee to leave under the FMLA, with proper medical certification; or,
- \* Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

**Workers' Compensation** – Leaves taken under the Workers' Compensation Law may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the City designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits, the City cannot require the employee to substitute paid leave credits during this period of leave. If the workers' compensation leave has been properly designated as FMLA leave by the City, it can be counted against the employee's FMLA leave.

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their Department Head for further details regarding this provision.

**Return to Work** – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *City of Watertown Civil Service Commission Rules*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The City reserves the right to have the employee examined by a physician selected and paid for by the City to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.
- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the City Manager.

## 600 COMPENSATION

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### 601 *Wage and Salary*

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Wage and Salary provisions set forth below and should refer to the applicable collective bargaining agreement.

**Rate of Pay** – An employee's rate of pay will be established by the City Council.

### 602 *Overtime*

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Overtime provisions set forth below **except** for Authorization, and should refer to the applicable collective bargaining agreement. In addition, any applicable provision of the FLSA will also apply.

**Authorization** – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or supervisor before working additional hours.

**FLSA Exempt Employees** – In accordance with the Fair Labor Standards Act, FLSA exempt employees will not be paid for overtime nor receive "compensatory time" for any hours worked in excess of the employee's normal workday or workweek.

**FLSA Non-Exempt Employees** – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

**Credit for Paid Leave** – Personal leave, vacation leave, sick leave, bereavement leave, jury duty leave, and holidays will be included as time worked for the purpose of computing overtime.

### 603 *Pay Period and Check Distribution*

**Payroll Period** – Normally, employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period.

**Payday** – Payday is on Friday unless that day is a designated holiday in which case payday will be the preceding work day. Under normal circumstances paychecks will be distributed on the work day preceding the payday after 3:00p.m.

**Distribution** – A representative from each department not located in City Hall will pick up the employee's paychecks from the City Comptroller's office after 2:45p.m. for further distribution to employees. Paychecks for departments within City Hall will be delivered by the Comptroller's Office.

**Direct Deposit** – The City provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee’s account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the City Comptroller’s office.

**Authorized Check Release** – The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the City Comptroller’s office.

## **604    *Deferred Compensation Plan***

**Summary** – The City of Watertown has established a Deferred Compensation Plan whereby a portion of an employee’s salary may be voluntarily withheld and invested. At the employee’s option, the money may be withheld in one of two manners (1) on a pre-tax basis, whereby neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. 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, OR (2) On a post-tax basis, whereby taxes are paid on the deferred amount, but subsequent withdrawals of the money invested and any associated earnings will not be subject to future Federal and State Income Taxes if a qualified distribution is made. A description of the plan may be obtained from the Benefits Administrator in the City Manager’s office.

**Paid Leave Conversion** – Employees classified as “Management” or “Management Confidential” have the option of converting up to three sick leave and three vacation leave days per fiscal year into dollars to be contributed to the employee’s deferred compensation plan. Employees covered under a collective bargaining agreement should refer to their agreement regarding the conversion of paid leave.

## 700 EMPLOYEE BENEFITS

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### 701 *Holidays*

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered under the Holiday provisions set forth below except for Holiday Pay Requirement and should refer to the applicable collective bargaining agreement.

**Designated Holidays** – The City of Watertown will observe the following holidays:

1. New Year's Day	7. Columbus Day
2. Martin Luther King Day	8. Veterans' Day
3. Presidents' Day	9. Thanksgiving Day
4. Memorial Day	10. Day after Thanksgiving
5. Independence Day	11. Christmas Day
6. Labor Day	

**Eligibility** – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay. (Part-time employees paid on a salary basis will receive their regular pay during a pay period in which a holiday occurs.) Holiday pay will be based upon the employee's scheduled hours on the day the holiday occurs.

**Holiday Observance** – In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

**Assigned to Work on a Holiday** – A full-time non-exempt employee who works on a designated holiday and is not covered under a collective bargaining agreement will be paid at one and one-half times the employee's regular rate of pay. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

### 702 *Vacation Leave*

Employees should refer to their respective collective bargaining agreement or management policy regarding vacation leave.

**Continuous Service** – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

## 703 Sick Leave

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered under the Sick Leave provisions set forth below **except** for Proper Use of Sick Leave, Medical Verification, and Abuse of Sick Leave, and should refer to the applicable collective bargaining agreement.

**Eligibility** – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

**Allowance** – A full-time employee will be credited with one day of paid sick leave each month. The employee will be credited on the first day of the month for sick leave to be earned within that month. Sick leave is based on the average number of hours an employee is normally scheduled to work each week.

**New Employee** – A newly hired employee will receive a pro-rated amount of sick leave based on the time of the month that they are hired. For example, an employee hired on the fifteenth day of the month will receive one half day of sick leave upon hire.

**Accrual During Leaves of Absence** – An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

**Notification of Sick Leave** – In the event an employee must take sick leave, the employee must notify the employee's supervisor at least two hours before the employee's scheduled reporting time. The notification must be made personally to the supervisor, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's supervisor each day of the absence. These procedures must be followed to receive paid sick leave.

**Proper Use of Sick Leave** – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical/dental appointment that inhibits the employee's ability to work. An employee may take sick leave only after it has been credited.

**Medical Verification** – The City may require medical verification of an employee's absence if the City perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury. If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Employee Handbook shall apply.

**Abuse of Sick Leave** – An employee, who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

**Accumulation** – An employee may accumulate sick leave credits to a maximum of 180 days. It is important to recognize that paid sick leave can provide income protection and continued medical insurance coverage in the event the employee is unable to work for a long period of time due to illness or injury. Therefore, each employee should take care to manage the use of sick leave to ensure adequate time is available should such a need arise.

**Sick Leave Conversion** – An employee may convert cash value of up to three sick leave days into a contribution to the Deferred Compensation Plan each fiscal year.

**Retirement Credit** – The City Council has elected to provide Section 41(j) of the NYS Retirement and Social Security Law which can enhance pension benefits by allowing credit for up to one hundred sixty five days of accumulated sick leave at the time of retirement. To be eligible, an employee must retire directly from City employment or within one year of leaving covered employment. The additional service credit is determined by dividing the total accumulated sick leave days (not to exceed 165 days) by 260. For example: 130 accumulated sick leave days  $\div$  260 = .50 or 6 months additional service credit.

**Separation of Employment** – An employee whose employment with the City is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.

## 704 **Disclosure of Insurance Benefits**

**Summary** – The following is a brief description of the insurance benefits currently offered by the City to eligible employees. Eligibility for benefits is dependent upon employment classification. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

**Employee Communications** – The Benefits Administrator is responsible for communications concerning City benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Benefits Administrator.

Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or City policy.

**Waiver of Benefits** – An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form.

**Enrollment Information** – The Benefits Administrator will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

**Changes in Status** – Employees whose status changes from full-time to part-time are notified of the changes to their City benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Benefits Administrator in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

**Beneficiary** – Under some of the City's benefit plans, each employee must designate a beneficiary for the employee's death benefits. This designation must be made in writing and on the form provided by the Plan Administrator.

## **705 Medical Insurance for Active Employees**

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance for Active Employees set forth below and should refer to the applicable collective bargaining agreement.

**Eligibility** – The City currently offers medical insurance coverage to each full-time employee and their eligible dependents. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

**Spouses Employed by the City** – The City will make available one plan for spouses who both are employed by the City of Watertown.

**When Coverage Begins** – Coverage will begin on the first of the month following the date of hire, provided all eligibility requirements of the insurance plan are met.

**When Coverage Ends** – Coverage ends on the last day of the month in which the employee separates from employment. Coverage may continue for such eligible employees in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with City policy and plan documents.

## **706 Medical Insurance for Retirees**

**Union Employees** – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement.

**Non-Union Employees** should refer to the current City of Watertown Management and Management Confidential Employees Benefits Policy for information regarding health insurance coverage, eligibility, and premium amounts.

## **707 Optional Dental and Vision Insurance**

**Summary** – The City makes available optional dental and vision insurance. The full cost of such insurance shall be borne by the employee, the premiums of which may be voluntarily withheld from the employee's salary. Please contact the Benefits Administrator for further information on optional insurance plans.

## 708 **Section 125 Plan**

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Section 125 Plan provisions set forth below and should refer to the applicable collective bargaining agreement.

**Summary** – The City of Watertown offers eligible employees the opportunity to participate in a City-sponsored Section 125 plan. The benefit of participating in the Section 125 plan is that an employee's contributions to the plan are deducted from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income. The options offered under this plan are shown below.

**Eligibility** – A full-time employee is eligible to participate in this plan. A part-time, temporary or seasonal employee may not participate in this plan.

**Pre-Tax Insurance Premiums** – An employee may elect to pay the employee portion of the medical insurance premiums with pre-tax dollars.

**Flexible Spending Accounts** – An employee may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a medical and/or dependent care flexible spending account (FSA). Money set aside in an employee's medical savings account may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s). Money set aside in an employee's dependent care savings account may be used to cover eligible day care and nursery school expenses for covered dependents. To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred must be submitted to the current flexible spending account third-party administrator. Further details regarding this plan may be obtained from the Benefits Administrator.

## 709 **Continuation of Health Insurance Benefits (COBRA)**

**Summary** – The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers “qualified beneficiaries” the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. **All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue.**

**Eligibility** – An individual is a “qualified beneficiary” if the individual is covered under a group health plan on the day before a qualifying event as a covered employee, the spouse of a covered employee, or a dependent child of a covered employee. A child who is either born to or who is placed for adoption with the covered employee during a period of COBRA coverage is also a “qualified beneficiary” entitled to COBRA coverage.

**Period of Coverage** – COBRA coverage is in effect for a period of **18 or 36 months depending on the qualifying event**, following any qualifying event. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage.

**Qualifying Events** – If a qualified beneficiary loses coverage under a group health plan as a result of a “qualifying event,” the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary’s own expense. Any of the following circumstances are considered to be qualifying events:

- Termination of the covered employee’s employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee.
- Divorce or legal separation from a covered employee.
- A covered dependent ceases to be a “dependent child” under the health insurance plan.
- A covered dependent child’s loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

**Change in Beneficiary Status** – An employee must notify the Benefits Administrator within sixty calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The City will not be responsible for any loss of coverage resulting from failure by the employee to give notification of such an event.

**Enrollment Information** – The current health insurance third-party administrator will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. **Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms to the current health insurance third-party administrator within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

## **710 Workers' Compensation Benefits**

**Coverage** – The City will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers an accidental injury arising out of and in the course of employment, as determined by the Workers' Compensation Council. Eligibility for coverage is determined by applicable Workers' Compensation regulations.

**When Coverage Begins** – Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

**Reporting of Injury** – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will notify the appropriate departmental personnel who will complete and submit the required forms. The employee must also complete an "Employee Claim Form C-3" and submit it directly to the Workers' Compensation Board. The Workers' Compensation Board will provide the employee with the necessary form.

In the event that an employee must be absent from work following a workplace injury, a disability certificate completed by the employee's doctor must be submitted to the Department Head. The disability certificate must state the date the employee is cleared to return to work or the date of the next doctor's appointment.

**Use of Vacation Leave Credits** – An employee may draw from the employee's vacation credits to receive full wages during the Workers' Compensation waiting period.

**Medical Insurance Coverage** – The City will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

## **711 The New York State Employees' Retirement System**

**Summary** – The City will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits after completion of the required minimum period of creditable public sector service (either five or ten years depending on tier.)

**Mandatory Membership** – 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. An employee who is appointed to a permanent, full-time position on a probationary basis must join the Retirement System on the effective date of the probationary appointment. Employment is considered full-time unless:

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment is for less than one year or employment is on a less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

**Optional Membership** – An employee or Elected Official who is not mandated to join may join the Retirement System. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Comptroller's Office. If the employee or Elected Official elects to join the Retirement System, the employee or Elected Official must complete the application form and return it to the Comptroller's Office.

**Waiver of Enrollment** – An employee who is not mandated to join the Retirement System, and who chooses not to join, must complete a waiver of enrollment form.

## **712 Police and Fire Retirement System**

**Summary** – The Police and Fire Retirement System covers all eligible members of the Police and Fire Departments. All eligible members must enroll in the Police and Fire Retirement System effective on the first day of employment, unless otherwise excepted in accordance with the provisions of that plan.

## 800 COMPLIANCE POLICIES

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### 801 *Equal Employment Opportunity*

**Policy Statement** – The City of Watertown is an Equal Opportunity Employer. The City does not unlawfully discriminate on the basis of race, religion, color, sex, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected class or status. Likewise, the City prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against City employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

**Notification of Policy Violations** – An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager. In the event the employee is unable to discuss the matter with the City Manager, the complaint should be made to the City Attorney. All complaints of discrimination will be investigated discreetly and promptly. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

**Prohibition Against Retaliation** – Retaliation against any employee who brings a written or verbal complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The City will not tolerate or permit adverse treatment of employees because they report discrimination or provide information related to such complaints, or who otherwise oppose an unlawful employment practice. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

**Application of Policy** – This policy is for City use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for City administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## 802 *The Americans with Disabilities Act*

**Policy Statement** – It is the policy of the City of Watertown to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit unlawful discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

**Reasonable Accommodation** – Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the City and/or operations of a program. The City may require medical documentation or other information necessary to verify the existence of the disability and the need for accommodation. Following receipt of an accommodation request, the City will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the City might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodations(s), and the accommodation's impact on City operations.

**Pre-Employment Inquiries** – Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The City of Watertown intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

**Notification of Policy Violations** – An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager. If the employee is unable to discuss this matter with the City Manager, the report should be made to the City Attorney. All complaints of possible violations will be investigated discreetly and promptly. An employee who reports a possible violation will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

**Application of Policy** – This policy is for City use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for City administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

### **803 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace**

**Policy Statement** – It is the policy of the City of Watertown 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 City of Watertown is committed to educate 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 gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. In short, the City 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. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

**Applicability of Policy** – This policy applies to all Elected Officials, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the City. Depending on the extent of the City’s exercise of control, this policy may be applied to the conduct of non-City employees with respect to harassment of City employees in the workplace.

**Supervisory Responsibility** – Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

**Prohibited Activity** – 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, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the City; it is not intended to be a comprehensive list and does not limit the City’s ability to take disciplinary action in other appropriate instances.

**Definition of Sexual Harassment** – This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual's employment; OR
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

**Forms of Sexual Harassment** – Specific forms of behavior that the City of Watertown considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

**Reporting of Discrimination and Harassment (including Sexual Harassment)** – Employees are strongly encouraged to report any incident of harassment (including sexual harassment) to their immediate supervisor or Department Head as soon as possible after its occurrence. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager. If the employee is unable to discuss this matter with the City Manager, the report should be made to the City Attorney. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the City Manager, or the City Attorney. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the City Manager, or the City Attorney at home if these individuals do not work during the employee's shift.

**Discrimination and Harassment (including Sexual Harassment) Complaint Form** – To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the City's policy, discrimination and harassment complaints, including sexual harassment complaints, will be recorded in writing by using the City sanctioned Complaint Form. These forms can be obtained from the City Manager's Office. If needed, additional guidance can be obtained from the City Manager's Office.

**Confidentiality** – Complaints of harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the City to third parties or to anyone within the City employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

**Investigation of Complaint** – The City Manager will convene with the City Attorney to determine the appropriate individual(s) to conduct the investigation. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

**Employee or Elected Official Defense** – Any employee or Elected Official charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

**Employee Rights** – Nothing in this policy should be construed as in any way limiting employees' rights to use the grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

**Disciplinary Action** – Any employee or official 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 City operating procedures, including Civil Service Law Section 75, or the disciplinary procedures contained in a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the City is empowered to take such action.

**Prohibition Against Retaliation** – Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The City will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

**False Accusations** – An employee who knowingly makes a false accusation against another individual as to allegations of harassment or discrimination as set forth in this policy will be subject to disciplinary action up to and including termination of employment in accordance with the provisions of this handbook and applicable legal guidelines.

## **804 Violence in the Workplace**

**Policy Statement** – The City of Watertown is committed to maintaining a work environment that is safe and free from violence from co-employees and members of the public. The City will respond promptly to threats, acts of violence and acts of aggression by employees and members of the general public against employees. Employees who engage in violent behavior of any type will be subject to disciplinary action, which may include termination from employment. Threatening or violent behavior also may, in the appropriate circumstances, be reported to law enforcement authorities. This policy sets forth standards for all employees and guidelines for reasonable precautions. The accompanying procedures outline response to threats or violence, should they occur in the workplace.

### **Prohibited Conduct**

- A. The City of Watertown does not tolerate any act or threat of violence made on City property, or while in work status at a workplace. The City will not tolerate any type of workplace violence committed by any City employee against any other employee. The City also will not tolerate any acts of violence committed by or against visitors to City buildings or property, as well as customers, vendors, and contractors of the City.
- B. No person may engage in violent conduct or make threats of violence, implied or direct, on City property or in connection with:
  - The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact such as hitting, fighting, punching or throwing objects;
  - Behavior that diminishes the dignity of others through sexual, racial, religious or ethnic harassment;
  - Acts or threats which are intended to intimidate, harass, threaten, bully, coerce, or cause fear of harm whether directly or indirectly; and/or
  - Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm.
- C. No person, except sworn Police personnel in the line of duty, may carry, possess, or use any dangerous weapon on City property, owned or leased, or City buildings or facilities.

**Workplace Violence Prevention Program** – Pursuant to the City's commitment to zero tolerance of workplace violence, the City adopts the following as its Workplace Violence Prevention Program:

**Protected Persons** – The City of Watertown does not tolerate any type of workplace violence committed by or against any City employee or representative by any customer, vendor, contractor of the City, or member of the public, whether on City property or while City employees are performing their jobs in the community. The City will work to guard against such incidents of workplace violence and will encourage the participation of law enforcement agencies to safeguard its employees.

**Risk Assessment** – In preparing this Workplace Violence Prevention Program, the City has engaged in an analysis of the factors and situations which may put City employees at risk of occupational assaults and homicides. The City has identified the following instances as potentially high risk for workplace violence:

- Employees who work in a public setting (e.g., clerks, assessors, tax collectors, meter readers, police officers, firefighters, public transportation drivers, public works personnel, library, parks and recreation personnel, and codes enforcement personnel);
- Employees who work late at night or early in the morning;
- Employees who exchange money with the public;
- Employees who work alone or in small numbers; and
- Situations where there is uncontrolled access to the workplace.

**Methods to be used by the City to Prevent Workplace Violence** – To address the risk of occupational assaults and homicides, the methods to be utilized by the City will include:

- Making high-risk areas more visible to more people;
- Installing good external lighting;
- Using drop safes or other methods to minimize cash on hand;
- Providing training in conflict resolution and nonviolent self-defense responses; and
- Establishing and implementing reporting systems for incidents of aggressive behavior.

**Advisory Committee** – The City Manager will establish an Advisory Committee on Workplace Violence whose members will include union and management representatives. It will be the responsibility of the Advisory Committee to monitor safety and make recommendations for improved safety, as appropriate, based on the following guidelines:

- Risk evaluation of the workplace to determine the presence of factors or situations that might place employees at risk of workplace violence;
- Assess the City's readiness for dealing with workplace violence;
- Facilitate appropriate responses to reported incidents of workplace violence;
- Assess the potential problem of workplace violence;
- Evaluate incidents to prevent future occurrences;
- Utilize prevention, intervention, and interviewing techniques in responding to workplace violence; and
- Develop workplace violence prevention tools, ie. pamphlets and guidelines to assist in recognizing and preventing workplace violence.

**Reporting Procedures** – Any incidents of violence, threats of violence or observations of violence in the City are not to be ignored by any member of the organization. Workplace violence should be reported immediately to the employee's immediate supervisor. If the employee is fearful of reporting a situation to a supervisor, the report may instead be made to the employee's department head or directly to the City Manager. When an employee believes that a serious violation of this Workplace Violence Prevention Program exists or that an imminent danger otherwise exists, the employee should bring the matter to the attention of a supervisor in the form of a written notice. The City will investigate the matter and determine an appropriate and corrective response. All employees are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment. In general, reports will be treated confidentially to the extent consistent with an adequate investigation and appropriate corrective action.

## **Information and Training for Employees**

- A. The City shall make this Workplace Violence Prevention Policy and Program available, upon request, to its employees and their designated representatives.
- B. At the time of the initial adoption of this policy, at the time of an employee's initial assignment, and annually thereafter, the City shall provide its employees with the following information and training on the risks of violence in their workplace:
  - Be informed of the requirements of NYS Labor Law §27-b;
  - The risk factors in their workplace;
  - The location and availability of the written workplace violence prevention program; and
  - Training sessions that outline the measures employees can take to protect themselves from such risks, including specific procedures the City has implemented to protect employees and the details of the City's written workplace violence prevention program.

**Record Keeping and Reporting to the NYS Department of Labor** – All record keeping and reporting shall be made in compliance with the then applicable law and regulations. A copy of the City's Workplace Violence Policy and Program is available in the City Clerk's Office.

**Retaliation** – An employee will not be subject to retaliation because he or she has raised an issue concerning violence in the workplace or because he or she has participated in any matter related to the investigation and prevention of violence in the workplace. Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

## 805 **Drug-Free Workplace / Drug Free Awareness Program**

**Policy Statement** – It is the policy of the City of Watertown that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

**Coverage** – The City of Watertown’s Drug-Free Workplace Policy pertains to all individuals who are employed by the City of Watertown.

**Compliance with Federal Drug-Free Workplace Act** – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the City must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the City hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program:

**Prohibited Conduct** – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any job site or workplace, or in a City vehicle, a vehicle leased for City business, or a privately owned vehicle being used for City business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment. Any work-related accident or injury involving a City vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

**Use of Prescription and Over-the-Counter Drugs** – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

**Non-Discrimination Policy** – The City of Watertown will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

**Employee Assistance** – It is the policy of the City to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee’s Department Head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

**Employee Responsibilities** – As a condition of the City receiving Federal grant monies, each employee must abide by this policy and notify the employee’s Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

**City Responsibilities** – The City will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the City will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

**Drug-Free Awareness Program** – It is the policy of the City of Watertown to maintain a drug-free workplace. In accordance with that policy, the City is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

**Dangers of Drug Abuse in the Workplace**

Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers’ compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

4. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

## **806    *Controlled Substance and Alcohol Testing***

**Statement of Compliance** – The City Council has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA). The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

**Covered Employees** – The City's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate.

**Acknowledgment Form** – A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

## **807    *Smoking***

**Policy Statement** – Smoking is prohibited in the workplace, which includes all City property and buildings, entranceways and all City vehicles. This prohibition includes the use of e-cigarettes or similar devices.

## 900 SAFETY

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### 901 *Workplace Safety*

**Policy Statement** – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the City to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

**Employee Responsibility** – In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, it is the employee's responsibility to understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

**Safety Program** – The City's safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible;
- Conducting inspections to find and eliminate unsafe working conditions and practices, control health hazards, and comply with the safety and health standards for every job;
- Training all employees in safety and health practices;
- Providing necessary personal protective equipment and instructions for its use and care;
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment;
- Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;
- Providing First Aid kits and fire extinguishers throughout buildings and facilities.

**Accident Plan** – In the event of an accident, an employee must immediately stop work and take the following steps:

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call 911; and
- Take steps to prevent additional accidents.

**Accident Reporting Procedures** – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the Department Head who will in turn notify the City Manager. The appropriate departmental personnel must complete an *Employer's Report of Injury Form*) and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the City Manager. The Department Head will maintain appropriate documentation of the incident.
- The Department Head will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

## **902 Hazard Communication Program**

**Statement of Compliance** – The City of Watertown is committed to providing a safe and healthy work environment and complies with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions. The City considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

**Guidelines** – The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** – The City must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** – All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The City will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

**Safety Data Sheets (SDS)** – An employee working with a Hazardous Chemical shall obtain a copy of the Safety Data Sheet (SDS) and a standard chemical reference from the employee's Department Head.

**Employee Training** – An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Safety Data Sheets.

**Personal Protective Equipment (PPE)** – Depending on job duties, an employee must routinely wear protective devices, such as gloves and safety glasses, as directed by the supervisor. An employee who is required to wear special safety equipment as directed by the supervisor must comply with the supervisor's request.

**Emergency Response** – Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's supervisor. The supervisor must insure that proper emergency response actions are taken.

**Hazards of Non-Routine Tasks** – The Department Head must inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals. Review of safe work procedures and use of required PPE must be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.

## **1000 COMMUNICATION PROCEDURES**

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### **1001 Organizational Communications**

**Summary** – The City Council is committed to assuring effective communications between the Council and employees. The success of the organization is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with their Department Head should there be any questions.

**Methods of Communication** – Information will be communicated to employees in a variety of ways, including general and departmental meetings, e-mail distributions, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. Except as otherwise provided by a collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

### **1002 Adverse Communications**

**Policy Statement** – An employee who receives any communication of a negative nature directed to the City, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the Department Head. The Department Head will forward adverse communications to the City Manager when deemed appropriate. The term “communication” shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

### **1003 Suggestions**

**Policy Statement** – Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor or Department Head of any suggestions which may be valuable to the City’s productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

### **1004 Public Relations**

**Policy Statement** – The courteous, professional treatment of members of the public by all employees helps to build confidence among the citizens we serve. We require all employees to make every effort to represent the City in a polite and professional manner.

**Public Appearances** - A City employee may on occasion be asked to speak or appear in an official capacity as a representative of the City before various groups or organizations (e.g. Chamber of Commerce, Rotary Club, schools, neighborhood groups, etc.). The employee must obtain prior approval from the City Manager or his/her designee before agreeing to do so.

## **1005 Press Policy**

**Policy Statement** – All requests for information directed to a City employee from the media (e.g. television, radio, newspaper) regarding any aspect of City affairs must be referred to the employee's Department Head. The Department Head should use cautionary judgment in responding and notify the City Manager's Office of the request. If the request is concerned with something of a sensitive nature, the City Manager or City Attorney should be notified prior to the release of any statement or information. Department Heads may refer all such requests to the City Manager's Office or the City Attorney with notification to the City Manager.

All press releases, publications, articles and any other documents for release to the media or the public must be approved in advance by Department Heads and copied in advance to the City Manager's Office.

## **1006 Reporting of Improper Activities**

**Policy Statement** – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of City funds or property, safety issue, or other matter that appears to be improper, should immediately make his or her Department Head or supervisor, the City Manager, or any City Council member aware of the issue. When an imminent and serious danger to public health or safety exists, an employee may see fit to immediately report violations to law enforcement or other applicable governing body. Even if you are in doubt about what you witnessed or were made aware of you should report the matter.

**Retaliation** – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation. Any City employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.

## 1100 DISPUTE RESOLUTION

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### 1101 *Dispute Resolution Procedure*

**Policy Statement** – The City Council has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the City Council which will enhance the overall operation of the City. The City will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

**Definition of Dispute** – For the purpose of this Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the City is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that City policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, sexual orientation, national origin, marital status, disability; or any other protected class; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

**Step One** – An employee who claims to have a dispute may present the dispute to the employee’s immediate supervisor. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee’s immediate supervisor will meet with the employee to discuss and attempt to resolve the matter.

**Step Two** – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s immediate supervisor, the employee may submit the matter to the employee’s Department Head. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The Department Head will forward a copy of the dispute to the City Manager.

Within seven working days after receiving the dispute, the Department Head will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Department Head will issue a written response which will be given to the City Manager and the employee.

**Step Three** – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the City Manager. The dispute must be submitted, in writing, within seven working days from receiving the Step Two response, or when the response should have been received.

Within seven working days after receiving the dispute, the City Manager will investigate the matter and issue a written response which will be given to the employee.

**Step Four** – In the event the employee is not satisfied with the response at Step Three, the employee may submit the matter to the City Council by filing a Request for Hearing with the City Clerk. The Request for Hearing must be submitted, in writing, within seven working days from receiving the Step Three response, or when the response should have been received. The Request for Hearing will include a written statement of the dispute as outlined in Step One of this Procedure.

The City Council will set the time and place for the hearing. All decisions rendered by the City Council will be final and binding.

**Time Limits** – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

**Final Decisions** – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official City policy.

**Proper Use of Dispute Resolution Procedure** – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the City to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

**Refusal to Proceed with Dispute** – The City Council may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

**Union Employees** – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement to determine if the employee's dispute (grievance) may be subject to the grievance procedure contained in the employee's collective bargaining agreement.

## 1200 EMPLOYEE ACKNOWLEDGEMENT FORM

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Detach and place in employee's personnel file.

### CITY OF WATERTOWN

### EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***City of Watertown Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the City of Watertown. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the City Manager if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the City Manager of the City of Watertown reserves the right to interpret, change or modify any section of the Employee Handbook at any time. Except as otherwise provided by law, I understand that I am an employee at will.

I understand that, if I am covered by a collective bargaining agreement between the City of Watertown and an employee organization as defined by the Public Employees' Fair Employment Act, in the event an expressed and explicit provision set forth in a collective bargaining agreement should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in the Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, the Employee Handbook is applicable to all employees.

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Handbook.

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the City of Watertown, and may be changed from time to time, by the City of Watertown.

\_\_\_\_\_  
Employee name (please print)

\_\_\_\_\_  
Department Head Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature



1869

CITY OF WATERTOWN  
ENGINEERING DEPARTMENT  
MEMORANDUM

DATE: 30 October 2015

TO: Sharon Addison, City Manager

FROM: Justin Wood, City Engineer

SUBJECT: Flower Memorial Library HVAC Evaluation

The City of Watertown Flower Memorial Library (FML) has experienced a series of heating, ventilation, and cooling (HVAC) issues over the past several years which have steadily increased in frequency and significance. The issues have resulted in the loss of property due to water leaks, and extended periods of down time with limited and/or no HVAC services. City maintenance staff have spent endless hours to fix leaks, unclog heat pumps, and worked with plumbing contractors to address the most complex issues to keep the system running.

The existing HVAC system's extensive and costly maintenance history, coupled with the current failure issues, has led the City to begin considering alternative systems, which may better serve the FML and museum-type qualities it offers, for long-term solutions.

The City retained the services of a well-qualified local firm, Jade Stone Engineering (no relation to Hyde Stone), to evaluate the existing FML HVAC system, its current issues, alternative systems, and recommend a course of action for the City to take.

The enclosed report by Matt Walldroff, of Jade Stone Engineering, details the issues with our current HVAC system and outlines the recommended HVAC system the City should invest in.

We must understand that the Flower Memorial Library is much more than a building with important paper-based documents. The Library contains an immense collection of paintings and other artwork, with an intrinsic value which cannot be put into numbers. That being said, Mr. Walldroff highlights many of the important characteristics of the FML which should be considered when determining any future HVAC system, and for that matter, any improvement that could be made to the facility to preserve its irreplaceable artifacts.

The current system is a heat pump based system with plastic (PVC) piping and about 45 heat pumps. The most important realization that I can bring to you is that the current system is in a dire situation which will require a significant infusion of capital investment just to maintain it and keep it operational. This system has required considerable maintenance effort for many years. We have reached a point, however, where maintenance alone is not enough, and large scale replacement is necessary. There is a serious question as to the capability of this system to continue providing heating and cooling in the coming months. City maintenance staff and a plumbing contractor have spent the past couple weeks trying to clear sediment and sludge out of the pipes, work on 26 heat pumps which have shut down due to clogging and possible electronic issues, as well as install a filtration system to help with future sediment control.

The City is at a point where we must decide whether to continue investing in repairs and spot replacement of an existing heat pump system which is at its very essence less than ideal for this type facility, or plan for complete replacement with a new HVAC system.

The enclosed report discusses multiple systems which were considered during the evaluation and provides a recommended course of action for the City to pursue. That course of action is complete replacement of the existing system with a Central Constant Volume Air Handling Unit (AHU) system. The dependable, low maintenance system will provide ideal temperature and humidity control for patrons, and assist with long term preservation of historical documents and artwork housed at the library. Until detailed design is complete, the costs associated with the building impacts and modifications are difficult to quantify. Based on generally accepted square foot costs, the HVAC system itself is projected to cost \$660,000. Additional costs for building impacts, demo of the existing system, as well as engineering design services are not included.

I recommend to City Council that we proceed with design, and allocate construction funds in the budget for the fall of 2016 to replace the existing HVAC system with a new system. There is no question that a large scale investment will be spent to replace hot water piping throughout the building soon, projected at a cost of over \$300,000. This is in addition to the many heat pumps which will undoubtedly have to be replaced due to the issues we are currently experiencing, at a cost of \$3,000 - \$5,000 each. I encourage you to adjust the Capital Budget for a major HVAC project at the Library in the range of \$800,000 - \$900,000 so that we do not continue investing money in a system which is less than ideal for this building and will require significant funding for repairs in the short-term future.

Matt and I will be available for questions and discussion at the meeting. If City Council would like to proceed as recommended, I will present a Professional Services Agreement for design of the new HVAC system for Council approval at a later meeting.

cc: Yvonne Reff, Library Director  
Shawn McWayne, Code Enforcement Supervisor  
Jim Mills, City Comptroller

## FML HVAC Maintenance Cost History

FISCAL YEAR	2005/2006	2006/2007	2007/2008	2008/2011	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	Total Per Account:
Hyde Stone	\$4,264.00	\$12,241.58	\$6,845.88	\$3,659.15	\$7,961.96	\$2,096.68	\$5,043.75	\$2,227.94	\$9,948.34	\$23,043.02	\$7,969.51	<b>\$85,301.81</b>
Contracted Services L.7410.0430	\$0.00	\$0.00	\$0.00	\$0.00	\$523.29	\$4,413.12	\$3,629.20	\$15,557.76	\$21,006.12	\$27,867.51	\$11,483.76	<b>\$84,480.76</b>
Equipment L.7410.0465	\$0.00	\$0.00	\$0.00	\$0.00	\$30,731.47	\$16,388.33	\$0.00	\$1,978.86	\$0.00	\$0.00	\$0.00	<b>\$49,098.66</b>
Materials & Supplies L.7410.0460	\$0.00	\$0.00	\$0.00	\$0.00	\$347.32	\$681.85	\$311.82	\$0.00	\$1,530.12	\$0.00	\$0.00	<b>\$2,871.11</b>
Materials & Supplies (Maintenance) L.7410.0460.0329	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$415.48	\$412.42	<b>\$827.90</b>
<b>Total Per Year:</b>	<b>\$4,264.00</b>	<b>\$12,241.58</b>	<b>\$6,845.88</b>	<b>\$3,659.15</b>	<b>\$39,564.04</b>	<b>\$23,579.98</b>	<b>\$8,984.77</b>	<b>\$19,764.56</b>	<b>\$32,484.58</b>	<b>\$51,326.01</b>	<b>\$19,865.69</b>	
<b>Total All Accounts: 7/2005 to 11/2016</b>		<b>\$222,580.24</b>										

# FLOWER MEMORIAL LIBRARY

## HVAC Study



Prepared by  
**Jade Stone Engineering, PLLC**  
October 27th, 2015



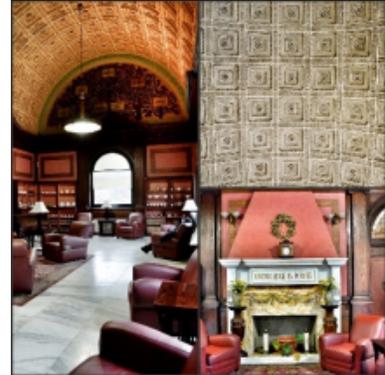


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Dedicated in 1904, Roswell P. Flower Memorial Library was built with the generous financial support of Emma Flower Taylor, daughter of the library's eponym- former New York State governor, financier, congressman, and Jefferson County native, Roswell P. Flower.

The building was listed on the National Register of Historic Places in 1980.



### ***The Importance of Relative Humidity & Temperature Levels***

While the library's primary function is a public lending institution, it is also a caretaker of bequeathed collections of original historic documents, furniture, oil paintings, antique maps, newspapers, and one-of-a-kind books that the library's charter requires it to maintain for the benefit of the public. In that regard the library functions, at least in part, as a museum. Irrespective of the moniker applied, any facility charged with maintaining a historic collection must pay special attention to temperature and humidity controls in its facility as those levels directly affect (and can significantly damage) the artifacts in its care.

The American Institute of Conservation (AIC) is the foremost body in the United States that establishes and upholds professional standards for the conservation and restoration of art and historic artifacts. AIC recommendations are the professional standards used to guide the creation of safe environmental conditions for the storage and display of cultural artifacts. The AIC's temperature and relative humidity (RH) recommendations for the safe display and storage of the artifacts under the library's care are as follows:

<b>Artifact Type</b>	<b>Recommended RH%</b>	<b>Recommended Temp</b>	<b>Other concerns</b>
Books	50	At or below 72 F	Daylight, fluorescent lighting, water
Works on paper	30-50	At or below 72 F	Daylight, fluorescent lighting, water
Oil paintings	40-60	At or below 72 F	Direct sunlight, displaying near heating/ cooling vents
Photographs	30-40	68 F	Well ventilated storage areas
Furniture	40-60	40 F*	Sunlight & ultraviolet light

\* Taken from the Smithsonian Institute ([www.si.edu/mci/downloads/articles/furnbook.pdf](http://www.si.edu/mci/downloads/articles/furnbook.pdf))

In addition to these figures, the AIC also notes that violent fluctuations in humidity and temperature across all artifact classes are to be strictly avoided. For additional information on the proper storage of historic artifacts, please visit the AIC's website ([www.conservation-us.org/about-conservation/](http://www.conservation-us.org/about-conservation/))

Keeping the storage environment free of water, and maintaining a relative humidity within the suggested perimeters is an important consideration particularly with regard to works on paper, wooden artifacts (i.e. furniture or picture frames) and oil paintings (both those on panel or with wooden stretchers.) Wood expands and contracts in response to humidity fluctuations. The expansion and contraction of a wooden stretcher can damage an oil painting, leading to sagging and cracking of the canvas, or the flaking and loss of paint. Extended periods of high humidity can also lead to biological issues such as mold and mildew growth. Furniture and wooden picture frames are equally affected by high and low humidity levels, leading to the loosening of furniture joints and the cracking of veneer. Antique picture frames are particularly susceptible to RH fluctuations as any cracking of the gesso substrata can lead to the loss of gilded finish or decoration.

Unstable temperatures and fluctuations in relative humidity are also damaging to paper. Warm and moist conditions cause paper fibers to expand and contract and can lead to structural weakening of the paper and distortions such as buckling. High RH levels also accelerate paper deterioration and encourage mold growth as well as possible insect activity. On the other end of the spectrum, dry conditions cause paper to become brittle. The "works on paper" category includes nearly the entirety of the library's lending and historic collection: new and antique books, historic maps, antique newspapers, photographs, irreplaceable historic letters, original historic documents (original World War II records, and estate records), land deeds on vellum, and the entirety of its Genealogy Room collection.

Because of their importance, the records kept in the Genealogy Room are of particular note. The Flower Memorial Library's genealogy collection is among the largest in Jefferson County and often serves as the reference point for other county institutions and individuals interested in genealogical research. The Genealogy Room contains irreplaceable compilations of records, including family histories and original funeral records from the 19<sup>th</sup> century. The records are all on paper.

### ***Problems with the Library's Current System***

The majority of the Flower Memorial Library's HVAC systems were last replaced or renovated in 1974. In the ensuing years, additional components of the HVAC system have been replaced from cooling towers, boilers, and various water-to-air heat pumps. The PVC piping is original to the 1974 renovation and has experienced major leaks over the years, causing damage to the library's collection and property.





The system is becoming increasingly more expensive to maintain and is requiring frequent repairs. Most recently, the rubber hoses used for the flex connection between the PVC piping and heat pumps were found to be deteriorated, the residue of which was found to be mixing with the water loop. The debris was plugging heat pump coils and causing air conditioning failure during the recent summer months. Furthermore, the PVC piping installed in 1974 appears to not be rated for the temperatures necessary for a water source system.

Given the current maintenance issues, as well as the age of the piping system and the heat pumps, a replacement of the heat pumps is foreseeable. A decision regarding whether or not to continue with the current system configuration or to shift to an altogether different system will need to be made. The City of Watertown has asked Jade Stone Engineering for an HVAC analysis of the existing system and to make recommendations for other system options. JSE conducted an extensive field survey as well as heating and cooling load calculations in order to fully understand the building and to ensure that the proposed options and recommendations suggested herein are applicable.



JSE's site observations and interviews with staff and maintenance personnel uncovered a number of issues with the current system.

#### **Heat Pump Failure:**

The type of heat pumps in the library are called water-to-air heat pumps and their typical life span is anywhere between 8 to 15 years. Compressor failures are a common issue with these heat pumps as they constantly cycle on/off in smaller systems, and over time the equipment suffers from cyclic failure. The maintenance staff remarked that the heat pumps are being replaced every eight years, on average- although on occasion, sooner. Each one of the heat pump units located in the building can cost from \$3,000 to \$5,000 to replace depending on the size.

#### **Basement dampness:**

During our walkthrough and subsequent interviews, a common complaint was regarding the cold and damp basement that also smelled of mildew. JSE's engineers experienced this firsthand and made it a point to consider the causes when comparing the existing equipment sizing with the library's load calculations.

#### **Water Damage:**



From our discussions with the library staff, we learned that the building has suffered numerous water leaks throughout the years. The most common leaks appear at the water source heat pumps unit fittings. The majority of the piping throughout the building is PVC. While PVC was an inexpensive and easy to install option, a major drawback to PVC piping is that it grows brittle over time and can be easily damaged and stressed. It appears the PVC piping installed in the library is also not rated for the temperatures needed for use in a water source heat pump system.

#### **Constant Maintenance:**

As with any water source heat pump system, they are known to be high maintenance equipment because of the number of compressor's and fans throughout the building. The maintenance demands of this equipment are taxing, both on man hours as well as city resources. Issues of air flow capabilities and size are part and parcel with water source heat pump systems and result in a number of heat pump units in a single zone. This type of set up adds to both the maintenance and troubleshooting demands of the building.

#### **Ventilation:**

Ventilation is currently delivered to only some of the large open spaces and even then, only being directed into the plenum. The result is that the majority of the library is not being supplied with ventilation and the areas that are being served aren't given sufficient amounts. The return fan of the heat pump is relied upon to mix return air which is being pulled from the plenum. The majority of the ventilation air that is being supplied is staying in the plenum space.

**Ceiling Plenum:**

The ceiling is currently used as a plenum for not only return air but for ventilation air as well. By code, everything in the plenum space needs to be smoke and fire rated. This applies not only to cables but to pipe material, as well. The existing PVC piping does not meet this criteria and would need to be wrapped in a smoke rated jacketing to comply. This applies to all the PVC plumbing piping as well as the water source heat pump water supply. JSE would suggest using a ducted return and ducted ventilation to each unit in the future.



The Flower Memorial Library's HVAC system is a water source heat pump system. This type of system consists of a cooling tower, boilers, pumps, piping, and various water-to-air heat pumps located throughout the building. When working correctly, the heat pumps feed on the water in the loop and either heat or cool it. Ventilation air for the space is then redirected into a number of ceiling plenums. The ventilation air mixes with the plenum return air and the heat pumps then distribute the cooled or heated air. In the library's case, there also appears to be a number of electric baseboard or cabinet heaters throughout the building, as well as in stairwells and vestibules.

#### Boilers:

There are two new boilers located in the basement mechanical room that were installed within the past year or two. They are AERCO Benchmark 2000 natural gas condensing boilers with a max input of 2,000 MBH and an output of 1,880 MBH. The boilers are in very good condition as they have only recently been installed. Additionally, each boiler has a boiler circulating pump that also appears to be in good condition.



#### Cooling Tower:



There is a new cooling tower located on the roof of the library that was recently installed (within the last two years.) It is an EVAPCO model ATWB 4-5F12 closed circuit cooler sized for a flow rate of 270 GPM and 23,700 CFM. It also appears to be in very good condition.

#### Building Pumps:

There are two main building pumps located in the basement shop area adjacent to the mechanical room. They are both 5 HP and have NEMA nominal efficiencies of 87.5% and 89.5%. Both are older and show normal signs of wear but still appear to be reliable. After their useful life has ended and replacement equipment becomes necessary, we would suggest replacing them with VFD operated pumps.



#### Water Source Heat Pumps:



There are approximately 45 heat pumps located throughout the building in three different configurations (vertical, horizontal, and console in-room). They are mainly McQuay units and are either the horizontal type located above the ceiling or the console in-room type. The console in-room type range in CFM from 230 CFM to 500 CFM and have cooling capacities from 0.5 tons to 1.5 tons. These are primarily located in office areas, meeting rooms, or reading room areas. The horizontal units range in CFM from 600 CFM to 1600 CFM and have cooling capacities from 1.25 tons to 4 tons. The horizontal units are mainly located in the library stack areas and other open areas of the library. The horizontal and console in-room type heat pumps

look to be in an overall good condition. Additionally, there is an FHP Manufacturing vertical unit that serves the basement storage areas, the library entry, and the rotunda. This vertical unit is located in a basement storage area and is sized for 4000 CFM with a cooling capacity of 10.5 tons. This unit appears to be fairly new and in very good condition.

Ventilation:



Ventilation is delivered to the building via a roof mounted RTU. The ventilation air is preheated via a 22.5 KW electric heater rather than utilizing more cost effective natural gas. None of the water source heat pumps have outside air ducted directly into the units for ventilation.

Outdoor air is ducted into the ceiling space in the open floor areas / stack area on each floor. These areas contain horizontal heat pumps above the ceiling, utilizing the space as a plenum to draw the outdoor air into the heat pumps for ventilation. However, none of the areas that use the console in-room style heat pumps have any outside air for ventilation. Any interior occupied space or any space with un-operable windows that uses the console in-room heat pumps would not have the ventilation air requirements needed under the current mechanical code.

Piping:

Plastic supply and return piping is used throughout the building for connection to the heat pumps. There have been instances when the piping has failed, resulting in water damage to the ceiling, floor, and books (particularly in the basement stack area). In these areas the plastic supply and return piping from the main lines connecting to the heat pumps have been replaced with copper pipe.



Humidity Control:

The water source heat pump system helps to regulate humidity control in the summer months while the unit is in cooling mode. During the winter months when the system is in heating mode, however, there is little humidity control. As the library's collection not only includes books but historic documents and artifacts that are sensitive to humidity fluctuations, humidity control during winter operation should be addressed when the system is replaced for specific areas.

Load Calculations:

When reviewing JSE's load calculations for the building, a few noteworthy items came to our attention. The building's total heating and cooling loads were roughly 50 tons cooling and 660 MBH of heating. The current system is setup with a connected load of 104 tons of cooling and 1568 MBH of heating. The large difference between the figures has partially to do with the nature of a water source heat pump system and partially with the sizing of the total connected load vs. block load. The good news is that no matter what type of system is used, the existing boiler system can be reused and potentially the cooling towers, as well.



Using our load calculations, while we did find that some of the library's spaces were slightly oversized, one area stood out considerably. The open stack area in the basement has a total connected load of just over 27 tons. The actual required load is around 5.5 tons. This discrepancy results in that particular space being cooled down more quickly than other spaces in the building. While cooling, the units not only cycle on/off but also causes the humidity in the space to remain high which leads to the cold and damp environment that we heard so frequently mentioned in our staff interviews. The rest of the building units were found to be slightly oversized (by 1 or 2 tons) but the discrepancy was not substantial enough to cause an issue. At this stage, the existing systems because of the piping issues and clogged coils made it difficult to confirm if any heating or cooling complaints are associated with undersized or oversized units.

As with any building that has such a variable occupancy, the library is a difficult space to assign a firm heating and cooling load value to without potentially causing comfort issues during low or high occupancy times. The current water source heating pump system makes equipment sizing difficult. Sizing a cooling system for "worst case scenario" may be a tempting option but could very well cause high equipment cycling and premature failure along with under humidifying the space.

Water source heat pump systems operate better when they are slightly undersized which forces them to run longer. This, in turn, makes it possible to avoid short cycling and underperformance in their dehumidification role.



When evaluating systems as replacement options for the Flower Memorial Library there were four types of systems that were considered. Each system has advantages and disadvantages. Regardless of the system, most research has shown a constant volume system is the best way to maintain space temperature and humidity requirements of a library. For all the options below a central boiler plant and variations of a central cooling plant maybe required. In the case of the individual heat pumps the cooling tower plays the role of a central cooling plant.

#### **Individual Water Source Heat Pumps (Replace In-Kind)**

This type of system requires a number of remote heat pump units located throughout the building. There is a central boiler plant and cooling tower to maintain a building water loop temperature of 65 degrees F in the winter to 90 degrees F in the summer. The remote heat pumps either reject heat or take heat from this building water loop. During the winter months when the heat pumps bring down the loop temperatures below 65 degrees the boilers turn on to heat the loop. The same is true for the cooling tower, during the summer months when loop temperatures rise above 90 degrees the cooling tower helps cool down the water to avoid higher loop temperatures.

The water source heat pump systems can be energy efficient in buildings that have equal amounts of diverse loads, i.e. equal amount of times when one side of the building requires heating while the other side may need cooling. With buildings that have equal heating and cooling diversity the theory states that the heat being rejected back into the building loop from heat pumps in cooling will help heat the areas that require heating. In other words the individual heat pumps units can maintain the loop temperature of 70 to 90 with little help from the boiler and cooling tower.

- Advantages
  - In the perfect situation, this system saves money on energy used
  - Individual controls, has ability to heat or cool at any given time during the year.
  - As boilers and cooling towers were recently replaced, it is likely (and probable) that they could/would be reused
- Disadvantages
  - Expensive to maintain
  - Noisy, as every heat pump has compressors that are running over occupied spaces
  - Potential for leaking water due to clogged drain pan or piping
  - Heat pumps are limited in their airflow and heating/cooling capabilities which results in the large number of required units to heat and cool a space.
  - A number of ductwork runs for ventilation air will need to be added
- Potential construction costs (does not include ceiling replacements)
  - \$600,000 (includes new piping, controls, heat pumps, pumps, ventilation ductwork)
- Potential yearly maintenance costs including city labor personnel
  - \$25,000 (Includes the assumption that by year 5 there will be a need to replace a few heat pumps a year in addition to regular filter changes on each heat pump every 6 months)
  - Cost does not include unexpected failures of pumps, boilers or cooling tower.

**Central Constant Volume AHU system utilizing zone reheat coils.**

For most library applications a central constant volume AHU system has been found to adequately control the space temperature and humidity requirements. From a reliability and maintenance standpoint a constant volume central AHU system is the best approach.

This system consists of one or two central air handler units (AHU) that supply conditioned air to various spaces. Each space is equipped with a reheat coil that reheats air year round accordingly, keeping each space comfortable. A mechanical room space houses a central AHU along with remote chiller and boiler systems. In order to control each zone's temperature, the discharge air set-point of the AHU is lowered and even in the summer will require some sort of reheating. If precision humidity control is required a duct mounted humidifier would be installed after each zone reheat as well. To avoid major duct chases, two separate units can be used, one located in the basement which would feed the basement and first floor, while the second floor could be served by a rooftop unit.

- Advantages
  - Keeps majority of piping centralized to mechanical room.
  - Constant and adequate temperature and humidity year round
  - Easy to maintain
  - One central location for ventilation air
  - Keeps piping over books very limited
  - Can reuse existing boilers
- Disadvantages
  - Requires space in ceilings for large ductwork mains
  - Due to space and noise the relatively new cooling tower will need to be replaced with an air cooled chiller. There are scenarios that incorporate the existing cooling tower but would necessitate overcoming of a number of hurdles.
  - Not as energy efficient as other systems
  - To control space temperatures, boilers run year round.
  - Hot water piping and possibly domestic water piping must be run to each zone heating coil and duct mounted humidifier.
- Potential Construction costs (does not include ceiling replacements)
  - \$660,000 (includes new piping, controls, AHUs, pumps, ventilation ductwork, and air cooled chiller)
- Potential yearly maintenance costs including city labor personnel
  - \$3,500 (Includes filter and belt changes on one or two central AHUs)
  - Cost does not include unexpected failures of pumps, boilers or air cooled chiller

**Individual Fan Coil Units:**

An option that allows individual control with a little more energy efficiency is the fan coil option. The setup is similar to the existing water source heat pump approach but keeps the condensers located at the chiller, concentrating the major maintenance items in one location. Fan coil units have larger capacity than heat pumps so the number of fan coils would be limited to one per zone rather than multiple units. The fan coil units would have both a heating coil and a cooling coil (or a dual temp coil) along with potential for humidifier for more precise control. Unlike the water source heat pumps which have compressors that can fail in each unit, the only item in a fan coil unit is the fan and filters.

- Advantages
  - Reduces need for new ductwork, as most of the existing ducts can be reused
  - Energy efficient
  - Allows for the reuse of existing boiler plant
- Disadvantages
  - Requires drain pan on every unit
  - Potential for leaking water due to clogged drain pan or piping
  - Need to add a number of ductwork runs for ventilation air
  - Due to space and noise, the relatively new cooling tower will need to be replaced with an air cooled chiller. There are scenarios where the existing cooling tower could be reused but a number of hurdles would first need to be overcome.
- Potential construction costs
  - \$600,000 (includes new piping, controls, fan coil units, pumps, ventilation ductwork, air cooled chiller)
- Potential yearly maintenance costs including city labor personnel
  - \$10,000 (includes filter and belt changes on one or two central AHUs)
  - Cost does not include unexpected failures of pumps, boilers, or air cooled chiller

**Variable Refrigerant Volume System (VRV):**

This system is a more remote possibility as it uses 100% refrigeration piping for heating and cooling instead of water piping. It has a number of indoor evaporators that are mounted in the ceiling. They look like ceiling diffusers and can also be located on the floor like the current floor mounted water source heat pumps. They have a number of outside air heat pumps that are connected together to allow all evaporators to share the same set of condensers. It doesn't use any water piping to overhead systems and gives energy savings along with individual control. It also eliminates the need for a cooling tower and is highly efficient.

There are three variables that would make this option challenging to implement in this building. The first concerns the requirement for a separate dedicated outdoor air unit to condition the air and supply it to all the spaces. The second is that similar to the existing setup, the system doesn't give humidity control in the winter which is no different than the water source heat pump option the library currently has. The last and most notable issue is that this type of system, being an air-to-air heat pump, stops working at -13 degrees F, so a separate heating source would need to be installed. The existing boiler system can be reused but each space would need a heating terminal outlet on top of the VRV .

- Advantages
  - Reduces ductwork as it can reuse some of the existing ducts for ventilation air
  - Energy efficient
- Disadvantages
  - Requires drain pan on every unit
  - Potential for leaking water due to clogged drain pan or piping
  - Requires the addition of a number of ductwork runs for ventilation air
  - Requires a separate heating source to heat building when outside air is below -13.
- Potential construction costs
  - \$924,000 (includes new piping, controls, heat pumps, pumps, ventilation ductwork)
- Potential yearly maintenance costs including city labor personnel
  - \$5,000 with an additional \$30,000 in year 10.
  - Cost does not include unexpected failures of pumps, boilers or air cooled condensers



Before recommending a system all options must be weighed based on the requirements of the building and the concerns of the owner and end-users. More often than not, the primary concern is financial. What is the best option for the budget? Long term cost considerations are also important and can affect the system recommendations. For the purpose of this report JSE will recommend the system that meets the library's needs and that also avoids the issues the building is currently experiencing- primarily, high long term maintenance costs.

The Flower Memorial Library is more than a library- it is also part-museum, as its charter requires it to maintain and preserve the historic artifacts in its care. For the sake of its collection and the system's longevity, JSE recommends the Central Constant Volume AHU system.

This system offers flexibility but does so while providing a constant environment with low long-term maintenance costs. It provides reasonable protection of water damage to books and artwork as the majority of the piping will be located in the mechanical spaces. The piping that does extend into the public space can be smaller and located in areas that are free of books or historic artifacts. Forethought and careful consideration will be needed to avoid undermining the historic aesthetic of the building but it can be accomplished.





When contemplating a system solution for the Flower Memorial Library it is important to remember that this building is much more than a standard library. Flower Memorial Library houses the county's largest genealogy collection, irreplaceable original historic documents, valuable antique furniture, city-owned paintings, photographs, antique books and maps. As humidity control is a key issue in the preservation of the library's collection, there is a fine balance to be attained between energy savings and space requirements. Often systems that offer humidity controls can't be as energy efficient as systems that focus solely on temperature. While there are certainly more energy efficient systems on the market, these systems do not meet the humidity requirements that would help to preserve the library's historic collection. Those systems also do not meet the recommended practice guidelines for this type of facility.

The HVAC requirements for a large majority of the items have a large relative humidity and temperature range so there is wiggle room on the complexity of the future system. Irrespective of the system the City Council chooses, a large portion of the library's infrastructure will need to be replaced. This presents a golden opportunity to correct any existing HVAC issues plaguing the building, while meeting the budget constraints of the city and addressing the needs of the occupants and the collection.

This report proposed four potential system options. Other than the VRV system, the systems covered are standard systems recommended by ASHRAE and are examples of systems that have been used in other libraries throughout the east coast. After a general direction is decided upon, details and system modifications to the proposed HVAC can be made to accommodate phasing and budgets. Please note that the budgets listed in the "System Options" section (and which are summarized on the following page) is a broad potential construction cost based on rule of thumb cost per square foot numbers and heating and cooling load calculations. Those numbers are intended as comparison aids only, provided here in order to help readers understand the general financial impact of each system.



SYSTEM	ADVANTAGES	DISADVANTAGES	POTENTIAL CONST. COST	POTENTIAL YEARLY MAINT. COST
<i>Individual Water Source Heat Pumps</i>	<ul style="list-style-type: none"> <li>- Saves money on energy used when installed in buildings with equals amounts of diverse loads.</li> <li>- Can heat or cool at any time of the year.</li> <li>- Strong possibility of reusing existing boilers and cooling towers.</li> </ul>	<ul style="list-style-type: none"> <li>- Expensive to maintain.</li> <li>- Noisy.</li> <li>- Potential for water leakage.</li> <li>- Large number of units required.</li> <li>- Will require additional ductwork.</li> </ul>	<p>\$600,000*, includes new piping, controls, heat pumps, pumps, ventilation ductwork.</p> <p>Total system cost of \$1.1 million including maintenance over 20 years.</p>	<p>\$25,000**, includes city labor personnel, and the assumption that by year five (5), there will be a need to replace a few heat pumps/ year, in addition to regular filter changes on each heat pump every 6 months.</p> <p>\$500,000 in maintenance over 20 years.</p>
<i>Central Constant Volume AHU System (with zone reheat coils.)</i>	<ul style="list-style-type: none"> <li>- Centralized piping</li> <li>- Constant year round temperature and humidity levels</li> <li>- Easy to maintain</li> <li>- Centralized location for ventilation air.</li> <li>- Limited piping above books</li> <li>- Allows for reuse of existing boilers.</li> </ul>	<ul style="list-style-type: none"> <li>- Requires large (ceiling) ductwork mains.</li> <li>- May require the replacement of the relatively new cooling tower.</li> <li>- Not as energy efficient as other proposed systems.</li> <li>- Boilers must run year- round.</li> <li>- Hot and domestic water piping must be run to each zone heating coil and duct mounted humidifier.</li> </ul>	<p>\$660,000*, includes new piping, controls, AHUs, pumps, ventilation ductwork, and air cooled chiller.</p> <p>Total system cost of \$730,000 including maintenance over 20 years.</p>	<p>\$3,500**, includes city labor personnel, and filter and belt changes on one or two central AHUs.</p> <p>\$70,000 in maintenance over 20 years.</p>
<i>Individual Fan Coil Units</i>	<ul style="list-style-type: none"> <li>- Reduces need for new ductwork.</li> <li>- Energy efficient.</li> <li>- Allows for reuse of existing boiler plant.</li> </ul>	<ul style="list-style-type: none"> <li>- Requires drain pans on each unit.</li> <li>- Potential for water leakage.</li> <li>- Requires addition of a number of ductwork runs.</li> <li>- May require the replacement of the relatively new cooling tower.</li> </ul>	<p>\$600,000, includes new piping, controls, fan coil units, pumps, ventilation ductwork, and air-cooled chiller.</p> <p>Total system cost of \$800,000 including maintenance over 20 years.</p>	<p>\$6,000**, includes city labor personnel, and filter and belt changes on one or two central boilers.</p> <p>\$200,000 in maintenance over 20 years.</p>
<i>Variable Refrigerant Volume System</i>	<ul style="list-style-type: none"> <li>-Reduces need for ductwork.</li> <li>-Energy efficient.</li> </ul>	<ul style="list-style-type: none"> <li>- Requires a drain pan on every unit.</li> <li>- Potential for water leakage.</li> <li>- Requires additional ductwork runs.</li> <li>- Requires separate heating source for days with outside temperatures below negative 13 degrees Fahrenheit.</li> </ul>	<p>\$924,000, includes new piping, controls, heat pumps, pumps, and ventilation ductwork.</p> <p>Total system cost of \$1.024 million including maintenance over 20 years.</p>	<p>\$5,000**, includes city labor personnel. An additional \$30,000 should be budgeted for year ten (10).</p> <p>\$100,000 in maintenance over 20 years.</p>

\* Including a 20% contingency.

\*\* Cost does not include unexpected failures of pumps, boilers, or air cooled chiller/cooling tower/ air cooled condensers.