

MALTA -TOWN.ORG



TOWN OF MALTA VOLUNTEER HANDBOOK

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INTRODUCTION

Thank you for participating in Malta's Community Volunteer Program. People like you are integral to creating a sense of community and helping to make our Town a pleasant place to live, work and play!

Volunteers are essential to the Town's operations, and it is important that Malta is represented in a professional manner. In an effort to assist you as a volunteer, we have assembled this handbook to use as a guide which defines various policies, departmental practices, and volunteer standards that have been developed over time and approved by the Malta Town Board.

This document does not create an employment contract, implied or otherwise.

Types of Volunteers

There are three categories of volunteers accepted within the Town program. They are On-going, Community Service and Court Ordered. Volunteers have to complete an application. An application is not a guarantee of placement.

On-Going Volunteer

On-going volunteers are individuals who wish to volunteer for Town programs and sport activities. They may volunteer for a specific activity, special event or on an as needed basis.

Community Service

Community Service volunteers are individuals who wish to volunteer, on a temporary basis as required by an educational organization such as a high school, community college, trade/technical school, or university, or as required by a professional or social organization such as a club, non-profit entity, church, scout troop, or corporate group.

Court Ordered

The Town may provide volunteer opportunities for individuals who are required to provide community service hours as ordered by a judge or as a condition of probation.

Court-Ordered volunteers must include on their application the exact nature of their offense, number of hours required and deadline for completion of those hours.

Policies and Procedures

Volunteers are bound by Federal, State, Local Laws and the Town's Policies and Procedures. The Town Manual provides an outline of various policies and procedures including the following which are considered relevant to your position as a volunteer:

- A. Equal Opportunity Employee
- B. The Americans with Disability Act
- C. Affirmative Action Policy
- D. Sexual Harassment Policy
- E. Code of Ethics
- F. Alcohol and Drug Free Workplace
- G. Smoking Policy

- H.Safety
- I. Care of Equipment & Supplies
- J. Dress Code
- K. Workplace Harassment
- L. Workplace Violence Policy
- M. Privacy Policy
- N.Political Activity in the Workplace

These policies, copied from the Town Manual, are at the end of this handbook. Copies of the full Town Manual can be obtained from the Town Comptroller's office.

Identification

The Town provides identification badges for all volunteers participating in community events. This helps the public to identify you as an individual who can assist them or direct them to the proper Town staff.

Attendance

We rely on you to report to your assignment when you volunteer. If you are unable to attend, please notify your supervisor in a timely fashion, preferably 24 hours prior to the meeting or event.

Inclement Weather Policy

The Town does not ordinarily close due to inclement weather, although there are some events that may have a rain date. You should decide whether or not you are going to report to your volunteer activity based on your personal feelings regarding travel safety. If severe weather is forecasted or occurs during the day and you decide to leave early be sure to report your decision to your supervisor.

Dismissal

Nothing in this handbook shall limit or restrict the Town's right to dismiss a volunteer at any time with or without cause or notice. As an 'at will' volunteer, you may terminate your position with the Town and the Town retains a similar right.

Exit Interviews

In order to provide a quality volunteer program, your comments, suggestions and concerns are very important to us. We appreciate the opportunity to informally interview each volunteer at the end of their service to help us make improvements to our programs.

Application Process

References may be required for certain volunteer positions. It is Town policy to perform background checks on anyone 18 years and older who works directly with children, seniors, the disabled or is a member of the Town's Community Emergency Response Team (CERT).

Public Relations

All Town meetings and events should be conducted in a friendly, professional manner. As a volunteer it is important to give everyone you come in contact with your best possible attention and courtesy.

Public Information

Occasionally, you may be asked by the news media or an individual for information intended for publication, or that is outside of your assignment. Should this happen, refer that individual to the appropriate Town official.

Use of the Telephone

If your position requires you to answer the telephone, you should do so in a prompt, friendly and courteous manner. If you do not know the answer to a question, ask an employee for help or refer the caller to the proper individual. In the event that the person is not available, take a message and include the caller's name, phone number, time of call, and a brief message.

Town phones are intended for Town business. The personal use of the phones should be kept to a minimum.



VOLUNTEER APPLICATION

In order to assist us, please complete the following application outlining your personal goals, the contributions you would like to make, and how many hours a week you anticipate volunteering. If these hours are required for credits for a service organization or internship or by court order, please state the conditions of the organization.

This application will be reviewed by a staff member who will contact you regarding your volunteer status.

1. Personal Goals

2. Contributions

3. Dates and Times of Availability

The Town of Malta supports the 1992 Americans with Disabilities Act. Describe any special accommodations you may need in order to to participate in the Volunteer Program.

Name

Address

Address

Cell Phone

Home Phone

As a volunteer for the Town of Malta -

I hereby authorize and give my consent to the Town of Malta to perform a background check (if pertinent) which may include requesting information on my educational background, professional credentials, criminal record or other information in connection with my application as a volunteer of the Town. I understand that the information gathered in this effort may result in my application being declined. I also understand and agree that nothing in this handbook shall limit or restrict the Town’s right to dismiss me at any time with or without cause or notice. As an ‘at will’ volunteer, I may terminate my position with the Town and the Town retains a similar right.

Name (Printed)	Signature
Primary Guardian/Parent if under 18	Signature
Address	
Social Security #	Date of Birth

Emergency Contact	Emergency Contact Phone Number
Emergency Contact	Emergency Contact Phone Number

I agree that Town of Malta personnel may act on my behalf in an emergency in the event an emergency contact cannot be reached.

This agreement starts on _____ and will expire on _____

Additional comments:

APPENDIX A

Excerpts From the Town of Malta Town Manual

EQUAL OPPORTUNITY EMPLOYER

The Town of Malta is an Equal Opportunity Employer. The Town 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 Town prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town 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, promotion, termination, layoff, transfer, leave of absence and compensation. We encourage you to bring any perceived violation of this policy in writing to the attention of your Department Head immediately and provide a copy to the Town Supervisor, Town Comptroller and Town Attorney. If you are unable to discuss this matter with your Department Head, take your written complaint directly to the Town Supervisor, Town Attorney and Town Comptroller unless the complaint involves one of those individuals and in that case bring it to the other non-involved individuals. All complaints of discrimination will be investigated discreetly and promptly. The Town has designated the Town Supervisor as Civil Rights Officer as required by the Federal Civil Rights Act. The employee must sign the complaint form. If the Town does not receive a signed written complaint form, no action will be taken.

Retaliation against any employee who brings a written complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town 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.

THE AMERICANS WITH DISABILITIES ACT

Policy Statement – It is the policy of the Town of Malta 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 Town and/or operations of a program. The Town 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 Town will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the Town might make to help overcome those limitations.

The Town 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 Town 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 Town of Malta 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 Town Supervisor or any member of the Town Board. 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.

AFFIRMATIVE ACTION POLICY

The Town Supervisor and the Town Board are fully committed to assuring that the Town acts affirmatively to develop avenues of entry and mobility for minorities, women, individuals having disabilities and veterans through its:

- employment practices, policies and consequences
- educational and training programs
- personnel practices and policies swift and judicious resolution of problems of human rights discrimination consistent with our policy and other applicable legal statutes

The Town of Malta's Affirmative Action policy conforms to all relevant Federal and State non-discrimination and Affirmative Action regulations, including but not limited to: the Civil Rights Act of 1964 as amended, the Rehabilitation Act of 1973, the Vietnam Era Veteran's Readjustment Act of 1974 and the New York State Human Rights Law. It applies equally to all job classifications and titles in the Town and all types of appointments under the Town's jurisdiction. It governs all of the Town's employment policies, practices and actions including but not necessarily limited to: recruitment, employment, disciplinary actions, rate of pay, or other compensation, advancement, reclassification, reallocation, promotion, demotion and all employee benefits.

The mission of the Town of Malta is to provide equal employment opportunity to all Town residents, and Affirmative Action considerations will be an integral part of all Town activities performed in the furtherance

of our mission and in meeting our responsibilities to the citizens of the Town of Malta.

* - For purposes of our Affirmative Action Policy, the term "veteran" applies to those veterans defined by the Civil Service Law as having special preferences with respect to seniority and examination credits.

SEXUAL HARASSMENT POLICY

Sexual Harassment is illegal and a violation of the Civil Rights Act of 1964. The Town is committed to the policy that sexual harassment is prohibited in each and every work place in which Town employees work or conduct business. Conduct which constitutes sexual harassment will not be tolerated from any Town employee or anyone else who is present in a Town workplace, and will be treated as an act of employee misconduct.

1. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
2. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; OR
3. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct; OR
4. The conduct has the purpose or effect of interfering with an affected person's work performance, or creating an intimidating, hostile or offensive working environment.

Sexual harassment is a form of sex discrimination which is a violation under Title VII of the Civil Rights Act of 1964, EEOC guidelines and the New York State Human Rights Law. Every Town employee is entitled to a work environment uninterrupted by sexual harassment.

Guidelines:

- The Town has a Sexual Harassment Policy and Reporting Procedure. A copy of that policy and reporting procedures can be found in the Appendix B. Each new employee will be advised of that policy and procedure at the employee orientation.
- A copy of the Sexual Harassment Policy will be prominently displayed in the work place of each Town Building.
- All employees including supervisory personnel shall be required to attend a sexual harassment training session on a periodic basis.

Procedures:

- All complaints shall be made to in writing and delivered to your Department Head, with a copy to the Town Supervisor, Town Comptroller and Town Attorney. If you are unable to discuss this matter with your Department Head, take your written complaint directly to the Town Supervisor, Town Attorney and Town Comptroller unless the complaint involves one of those individuals and in that case bring it to the other non-involved individuals. If the Town does not receive a signed written complaint form, no action will be taken.
- While complaints may initially be made either orally or in writing, all complaints will be reduced to writing on a complaint form provided by the Town for that purpose.
- The person handling the complaint will inform the employee that the investigation will commence immediately; that discretion will be used but confidentiality cannot be promised; that the alleged offender will be questioned as to their side of the story; that witnesses and other employees of the

Town may be questioned; and that appropriate action against the accused will occur if they are found to be guilty. The Town's Sexual Harassment Policy should be reiterated, and the employee should be advised to report additional incidents if the conduct continues.

- All complaints of sexual harassment will be reported to the Town Board.
- The employee shall be assured that retaliation for the good faith reporting of complaints of sexual harassment will not be tolerated, and that any such retaliatory conduct should be reported.
- All investigations will be made promptly and thoroughly. The person investigating the complaint will prepare a written report of the investigation. At the conclusion of the investigation, a copy of the complaint and of the investigation will be furnished to the Town Supervisor.
- The investigatory procedure shall be fully documented, noting the date, time, place and remarks about the incident.
- The accused employee shall be notified privately of the charges against them and given the opportunity to respond to those charges.
- The person investigating the complaint shall interview witnesses and other personnel who may have knowledge of the complaint or other instances of sexual harassment.
- If the appointing authority concludes, on the basis of the investigation or by the admission by the accused employee, that conduct constituting sexual harassment has occurred, appropriate action shall be taken in accordance with the Town's disciplinary procedures and the New York State Civil Service Law. Both the complainant and the offender will be advised of that determination and that appropriate action will occur.
- If appointing authority is unable to determine whether the actions alleged in the complaint occurred, the accused employee will be informed that the investigation was inconclusive, but that if the complaint is later proven true, or if similar activity to that alleged in the complaint is found to occur, appropriate disciplinary action will occur. The accused employee will also be advised that it is against Town policy for any acts of retaliation against the complaining employee to occur.
- Once the appropriate action to be taken has been determined, both the complainant and the offender shall be advised of the action, in writing.
- The filing by any Town employee of an intentionally false claim charging a Town employee or third-party with a violation of the sexual harassment policy may subject the person who makes the claim to disciplinary action appropriate under the circumstances and in accordance with the Town manual.

CODE OF ETHICS

All employees must act in an ethical manner in accordance with the Town of Malta Code of Ethics. A copy of this Code can be found in Appendix D.

ALCOHOL AND DRUG FREE WORKPLACE

It is the intent of the Town of Malta to provide to all employees an alcohol and drug free workplace. Our policy regarding the work related effects of alcohol and drug use and the unlawful possession of controlled substances on Town premises is as follows:

1. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide an alcohol and drug free, healthful, safe and secure work environment. Employees reporting to work under the influence of alcohol or drugs will be sent home and will be provided appropriate transportation home.
2. 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 Town vehicle, a vehicle leased for Town business, or a privately owned vehicle being used for Town 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 Town 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.

3. 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.
4. The Town recognizes alcohol and drug dependency as an illness and a major health problem. The Town also recognizes alcohol and drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use our health insurance plans, as appropriate.
5. Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off Town premises while conducting Town business. A report of a conviction must be made within five (5) days after the convictions (this requirement is mandated by the Drug-Free Workplace Act of 1988). Employees must also, as a condition of employment, report any alcohol related convictions occurring on or off Town premises while conducting Town business. Should an employee be convicted of a criminal drug or alcohol related offense, the Town shall take any disciplinary action, up to and including termination, within thirty (30) days of learning of such a conviction.

SMOKING POLICY

The Town's smoking policy is as follows:

1. Smoking shall be prohibited in all Town facilities which shall include outside entrance ways.
2. Smoking shall be prohibited within 100 feet of the Town's fuel tanks.
3. Smoking shall be prohibited in all Town vehicles or while operating any fuel powered equipment or machinery.

Any questions concerning the implementation of this smoking policy should be directed to the appropriate Department Head.

Visitors must observe this smoke-free policy. Department Heads and Town employees are responsible for visitors' compliance with the Town's smoke-free policy. Visitors who smoke will be requested to extinguish the cigarette, cigar, pipe, etc. and will be informed of the policy. Refusal to do so will constitute a violation of the policy and may result in removal from the facility

SAFETY

Your personal safety and the safety of your co-workers are important aspects of your job. Most accidents can be prevented by exercising caution, good judgment, common sense, and by using the proper safety equipment. The personal and public losses resulting from accidents are extremely high. Therefore, safety is everyone's business. The Town is committed to providing a workplace that is free of safety and health hazards, preventing property damage and financial loss due to accidents, and complying with Federal, State and local safety and health regulations.

You should be aware of the exit routes in each Town facility. You should also be aware of the location of fire

extinguishers, fire pull alarms and automatic electronic defibrillators, and your responsibility to contact the appropriate emergency responders if an emergency situation is discovered.

In the case of a fire, please evacuate the facility promptly and assemble at a safe distance in front of the facility. The Senior Department Head of each facility should provide guidance and instruction in the event of an emergency, check all rooms if possible to ensure that all individuals have been evacuated and verify that all individuals have been accounted for in the safe area. Do not re-enter the facility until you have been instructed to do so by the emergency responders.

In the case you witness or discover a Hazardous Materials incident, dial 911 and then evacuate the scene.

There are a number of emergency situations during which building or facility evacuation is not the best solution and may not be advisable. In such cases you will be notified to either lock down the offices and facilities or to shelter in place.

All job related accidents and injuries must be reported to your Department Head immediately. Department Heads are responsible for completing and submitting to Saratoga County and the Town Comptroller's Office, including but not limited to, Saratoga County Employee Report of Incident or Accident, a Saratoga County Self-Insurance Plan Report of Accident Investigation by Supervisor or Department Head form and, if applicable, Employer's Report of Work-Related Injury/Illness C-2 and other New York State Workers' Compensation Board and Department of Labor Forms. Non-employee accidents and injuries must be reported on a Town of Malta Accident Reporting Form - Non-Employee and submitted to the appropriate Department Head. Copies of both forms are available from your Department Head or the Town Comptroller's Office. Department Heads should notify the Town's insurance agent and/or insurance companies of these incidents involving the public and file the report with the Town Clerk.

Please keep your eyes open for any working conditions or work procedures which you would consider to be potentially dangerous and report these to your Department Head immediately.

CARE OF EQUIPMENT AND SUPPLIES

The equipment and supplies you need to do your work properly are provided by the Town, but your use of them determines whether the Town is getting its money's worth. Misuse and waste increase the cost of government. You have an obligation to the taxpayer to use your equipment and supplies wisely and to properly clean and maintain these items. Equipment and supplies provided by the Town remain the property of the Town. Accordingly, the Town reserves the right to search Town property at any time with or without notice. Furthermore, the Town reserves the right to search personal property when said personal property is on Town property in order to protect Town property or to ensure public safety. Employees shall not use Town equipment and supplies for personal use or gain.

DRESS CODE

While it is not the Town's intention to dictate the personal wardrobe of the employees, the appearance and dress of employees are important in creating a favorable image supportive of the public confidence. In general, employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public in accordance with the departmental rules and job requirements. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Department Heads will determine and enforce what is appropriate in each department.

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.

WORKPLACE HARASSMENT

Policy Statement – It is the policy of the Town of Malta 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 Town of Malta is committed to educate employees in the recognition and prevention of workplace discrimination and 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, or any other protected status is strictly prohibited. In short, the Town will not tolerate any form of discrimination or harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace.

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 Town. Depending on the extent of the Town’s exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Supervisory Responsibility – Department Heads and supervisory personnel are committed to providing a safe environment for working and conducting business that is free from unlawful or unjustified discrimination and harassment. Supervisors must take immediate and appropriate corrective action when instances of unlawful or unjustified discrimination or harassment come to their attention in order to assure compliance with this policy. All complaints of unlawful or unjustified discrimination shall be made in writing to the attention of your Department Head with a copy to the Town Supervisor, Town Comptroller and Town Attorney. If you are unable to discuss this matter with your Department Head, take your written complaint directly to the Town Supervisor, Town Attorney and Town Comptroller unless the complaint involves one of those individuals and in that case bring it to the other non-involved individuals. All complaints will be reduced to writing on a complaint form provided by the Town for that purpose and must be signed by the employee. If the Town does not receive a signed written complaint form, no action will be taken.

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 Town; it is not intended to be a comprehensive list and does not limit the Town’s ability to take disciplinary action in other appropriate instances.

Disciplinary Action – Any employee or official who is found to have committed an act of workplace discrimination or harassment will be subject to disciplinary action, up to and including termination of employment, as provided by Town 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 Town 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 Town 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.

WORKPLACE VIOLENCE POLICY

The Town is committed to providing, in so far as it reasonably can do so within available resources, a safe environment for working and conducting business. The Town will not tolerate acts of violence committed by or against Town employees, or members of the public, while on Town property or while performing Town business at other locations.

The word violence in this policy shall mean an act or behavior that:

- is verbally or physically assaultive;
- a reasonable person would perceive as obsessively directed, e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property;
- consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- would be interpreted by a reasonable person as carrying potential for physical harm to the individual or harassment to the individual;
- is a behavior, or action, that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
- consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on Town property, or while using Town facilities, will be prosecuted as appropriate. The Town intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public. Department Heads may send employees home if there is a safety concern.

The objective of this policy is to achieve the following:

1. reduce the potential for violence in and around the workplace;
2. encourage and foster a work environment that is characterized by respect and healthy conflict resolution; and
3. mitigate the negative consequences for employees who experience or encounter violence in their work lives.

The Town has a zero tolerance philosophy with regard to the possession by of any dangerous/deadly weapon on Town premises. In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of dangerous weapons is prohibited on Town property, in Town vehicles or in any personal vehicle which is located on Town premises. A dangerous weapon is any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person. Employees of the Town or other state and local government employees may possess a firearm on

Town property if engaged in military or law enforcement activities.

Town employees are responsible for:

- refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and
- reporting to department heads and supervisors any dangerous or threatening situations that occur in the workplace.

Employees shall report to their department heads/supervisors situations that occur outside of the workplace which may affect workplace safety, i.e., instances where protection orders have been issued, etc.

All complaints/reports must be reduced to writing on a complaint form provided by the Town for that purpose and the employee must sign the complaint form. All complaints shall be made in writing to the attention of your Department Head with a copy to the Town Supervisor, Town Comptroller and Town Attorney. If you are unable to discuss this matter with your Department Head, take your written complaint directly to the Town Supervisor, Town Attorney and Town Comptroller unless the complaint involves one of those individuals and in that case bring it to the other non-involved individuals. If the Town does not receive a signed written complaint form, no action will be taken.

Department Heads and supervisors are responsible for assessing situations, making judgments on the appropriate response, and then responding to reports of or knowledge of violence and for initiating the investigation process. Further:

- Any report of violence, will be evaluated immediately and confidentially, and appropriate action will be taken, where possible, in order to protect the employee from further violence. Appropriate disciplinary action will be taken when it is determined that Town employees have committed acts of violence.
- Where issues of employee safety are of concern, department heads and supervisors should evaluate the workplace and make appropriate recommendations regarding a reasonable response.

The Town, in so far as is reasonably possible, is responsible for developing procedures that are designed to reasonably achieve:

- prompt and appropriate response to any act of violence;
- accountability among employees for acts of violence committed in the workplace;
- establishment of oversight of investigations of violence;
- establishment of a Crisis Management Team to provide immediate response to serious incidents;
- establishment of avenues of support for employees who experience violence;
- training of department heads, supervisors and other employees;
- evaluating the physical environment for safety and consider modifications; and
- communication of this policy and administrative procedures to employees, managers and supervisors.

The following are guidelines for dealing with acts of violence in the workplace:

- If the act or altercation constitutes an emergency, CALL 911 and then contact your immediate supervisor. In instances that are not emergency situations, contact your immediate supervisor.
- If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or it would be too dangerous to the employee or supervisor to attempt to separate the parties, CALL 911.
- Contact the appropriate Department Head.
- Excuse yourself from the individual's presence or the situation.
- Request assistance from another Town employee.

- The Department Head will contact the Town Comptroller, who will take responsibility for coordinating response to the incident.
- In instances that involve emergency situations, or criminal activity, the Town Comptroller will contact the Town Supervisor, Town Attorney and the Police Department. Incidents involving emergency situations and/or criminal activity will be referred to the Police Department for assessment and, if necessary, investigation.

In instances when it is not appropriate to refer an incident to the Police Department, the Town Comptroller in consultation with the Town Supervisor's Office and the Town Attorney, will evaluate the situation and make a decision regarding the need for an investigation and who will conduct the investigation.

PRIVACY POLICY

The Town of Malta recognizes our employees' and citizens' rights to privacy and is committed to ensuring the security and privacy of our employee's and citizen's personal and health information. In achieving this goal, the Town has adopted the following basic principles:

Employee Privacy

1. The collection of employee information will be limited to that which the Town needs for business and legal purposes.
2. The confidentiality of all personal information in our records will be protected.
3. All in-house employees involved in record keeping will be required to adhere to these policies and practices. Violations of this policy will result in disciplinary action in accordance with the Town's personnel policy.
4. Internal access to employee records will be limited to those employees having an authorized, business-related need-to-know. Access may also be given to third parties, including government agencies, pursuant to court order or subpoena, or the Freedom of Information Act.
5. The Town will refuse to release personal information to outside sources without the employee's written approval, unless legally required to do so.

Citizen Privacy

It is the policy of the Town of Malta to maintain the privacy of citizen records on file with the Town. The Town will only "release" ("release" being defined as disclosing in any way, whether in writing or by electronic transmission or verbally) information concerning our citizens finances and financial history, health and health history, criminal history or other information that might be on file to other government agencies and emergency service providers who require the released information be disclosed in order for the Town to affect, administer, or enforce a transaction authorized by the citizen or in order to comply with the Freedom of Information Act or other applicable laws and regulations. Violations of this will result in disciplinary action in accordance with the Town's personnel policy.

Freedom of Information Law

Where the Public Officer's Law requires disclosure of documents or information otherwise proscribed above, State Law requirements shall control.

POLITICAL ACTIVITY IN THE WORKPLACE

The Town of Malta recognizes the importance of the election process, our citizens' participation in this process and the need for Town of Malta employees (i.e., non-elected personnel – see I.B., above) from engaging in any political activity that might call into question the Town's impartiality with respect to handling election issues. In achieving this goal, the Town has adopted the following policy:

1. No employee of the Town of Malta shall engage in political campaign-related activities on town time, except as required by his or her official duties, such as answering inquiries from the public. This prohibition shall not apply while an employee is on approved vacation or approved leave. This prohibition shall not apply to activities engaged in during the personal time of an employee.
2. No person shall use any Town personal property in connection with political campaign activities.
3. Operating or parking motor vehicles on Town real property on which are adhered bumper stickers or political signs (provided they are otherwise legal) is not a violation of paragraph HH or this Manual.
4. No employee shall assert, directly or indirectly, that his or her political positions or activities, including support or opposition to any candidate or proposed measure, are made in his or her official capacity as an employee of the Town.
5. No employee of the Town of Malta may be involved with political campaign-related telephone calls, letters, meetings, or other political campaign-related activities on town time. Requests by employees to switch to alternative work schedules or to take vacation in order to accommodate political campaign functions, will be judged in the same manner and on the same basis as any other requests of this nature (i.e., existing needs of the office and discretion of the department head).
6. The receipt or delivery of political campaign contributions or photocopies thereof on town property is strictly prohibited, as is the use of office time or town resources (e.g., intra-office mail or fax machine) to solicit or transmit political campaign contributions.
7. No employee of the Town of Malta may authorize any person to use his or her affiliation with the Town of Malta in an attempt to suggest that the employee's support or opposition to a nomination or an election for office or a ballot measure is of an "official," as distinguished from private, character.
8. No employee of the Town of Malta may display political campaign-related buttons, posters, or similar materials in areas visible to individuals who are in public areas of town offices; nor may an employee of the Town of Malta display political campaign-related posters or other materials on windows facing out of a town office building.
9. No employee shall use official authority or influence for the purpose of interfering with or attempting to affect the results of an election or a nomination for any public office. No person shall use his or her official authority or influence to interfere with an election or nomination for any public office.
10. No person shall directly or indirectly coerce or solicit contributions from subordinates in support of or in election or nomination for office or a ballot measure.
11. Anyone who is paid either partially or fully with federal funds, including the Help America Vote Act of 2002 (HAVA), is subject to the provisions of the Federal Hatch Act, and is, therefore, prohibited from being a candidate for public office in a partisan election, as defined in the Federal Hatch Act.

APPENDIX B – SEXUAL HARASSMENT POLICY AND REPORT PROCEDURE

TOWN OF MALTA SEXUAL HARASSMENT POLICY AND REPORTING PROCEDURE

Sexual Harassment is illegal and a violation of the Civil Rights Act of 1964. The Town is committed to the policy that sexual harassment is prohibited in each and every work place in which Town employees work or conduct business. Conduct which constitutes sexual harassment will not be tolerated in any Town employee or anyone else who is present in a Town work place, and will be treated as an act of employee misconduct.

The following are examples of behavior which have been held by the Courts to constitute sexual harassment:

VISUAL

Ogling
Elevator Eyes
Staring
Posters

WRITTEN

Love poems
Love letters
Obscene poems
Obscene letters

POWER

Relationships
Using positions
to request
dates, sexual
favors, etc.

THREATS

Quid Pro Quo
Demands
Loss of job
Selection
process

VERBAL

Referring to an adult as a girl, boy,
hunk, doll, babe or honey
Whistling at someone, cat calls
Making sexual comments about a person's body
Making sexual innuendos
Turning work discussions to sexual topics
Telling sexual jokes or stories
Asking about sexual fantasies, preferences, or history
Asking personal questions about social or sexual life
Making sexual comments about a person's clothing,
anatomy or looks
Repeatedly asking out a person who is not interested
Making kissing sounds, howling and smacking lips
Telling lies or spreading rumors about a
person's personal sex life

Making sexual gestures through body
movements

NON-VERBAL

Touching
Violating Space
Patting
Grabbing
Pinching
Caressing
Kissing
Giving a massage around the neck
or shoulders
Touching a person's
clothing, hair or body
Blocking a person's path
Stalking a person
Giving personal gifts
Making facial expressions such as
licking lips, winking or throwing
kisses

If an employee is a victim of sexual harassment and is unable to resolve the problem privately, the Town affords the employee with the rights of redress and complaint resolution channels for incidents of sexual harassment. Complaints of sexual harassment may initially be reported orally or in writing on a complaint form to any of the following: Town Supervisor, Town Comptroller, or Town Attorney or Department Head.

All complaints will be reduced to writing on a complaint form to be signed by the employee. The Town will conduct a prompt and thorough investigation of the complaint, prepare a report and, where sexual harassment is found to have occurred, take appropriate action which could include counseling or disciplinary action. This shall occur whether or not the complaining employee requests that no action be taken. Confidentiality shall be maintained to the extent possible, given the nature of the complaint. The victim will be advised of the results of the investigation and any action taken. The Town will not tolerate acts done in retaliation for reporting sexual harassment conduct, and retaliatory acts should be reported and will be investigated in the same way as complaints of sexual harassment. Falsely reporting sexual harassment is inappropriate. An employee conclusively found to have falsely reported sexual harassment is subject to disciplinary action.

Employees may also report complaints of sexual harassment to either the New York State Human Rights Division or the United States Equal Employment Opportunity Commission. The Town recognizes the importance of having a working environment free from sexual harassment, and encourages the use of its complaint resolution procedure by its employees to make the Town a comfortable and enjoyable place to work for all.

Appendix D - TOWN OF MALTA CODE OF ETHICS

Section I. Title: A local law amending Chapter 11, Code of Ethics, in its entirety.

Section II. Substantive Law: Chapter 11 of the Code of the Town of Malta shall be replaced in its entirety by the following:

11-1 Purpose; Establishment of Ethics Committee.

- a. Purpose: Officers and employees of the Town of Malta have an obligation to serve and benefit the public, and not to pursue or obtain personal or private gain in the exercise and performance of their official powers and duties, other than as provided by law, contract or resolution of the Town Board of the Town of Malta. Officers and employees shall strive to pursue the best interest of the Town of Malta, act within the limits of their positional authorities and deal forthrightly and constructively with the public and each other. Officers and employees shall not knowingly exercise undue influence, or knowingly make use of misleading or untrue information in the course of their official duties. The Town Board recognizes that, in furtherance of these fundamental principles, there is a need for clear and reasonable standards of ethical conduct. This local law establishes those standards.
- b. Establishment of Ethics Committee. An Ethics Committee of seven persons is established, and shall continue until such time as this local law is repealed or amended to provide otherwise. The terms of the members of this Committee shall be three years, except that the first members appointed hereunder shall serve staggered terms as set forth by resolution of the Town Board, with three members being appointed for three years, two members appointed for two years, and two members appointed for one year. In the event the Town Board fails to appoint a person to take an expired appointment, the person whose membership has expired shall continue to be a member of the Committee until the Town Board appoints a person to replace such member. In the event of the death, resignation or inability to serve of a member of the Committee, the Town Board shall appoint a person to complete the remaining term within sixty (60) days. The members of the Ethics Committee shall be deemed officers of the Town of Malta, and shall execute an oath of office at the commencement of their respective terms.

11-2 Definitions.

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

BOARD

“Board” means Town Board, Zoning Board of Appeals, Town Planning Board or Board of Assessment Review.

COMMITTEE

A group of volunteers serving at the pleasure of the Town Board to perform a specified governmental function (e.g., Trails Committee, Youth Commission, Ethics Committee).

CONTRACT

“Contract” means any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution,

ordinance, or other proceedings where such publication is required or authorized by law. (General Municipal Law §800(2). "Contract" shall also mean an agreement between two or more persons which creates an obligation to do or not to do a particular thing. Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of obligation. (Black's Law Dictionary).

EMPLOYEE

Any person paid a wage or salary by the Town of Malta. Receipt of benefits by members of the Malta Ambulance Corps, Malta Ridge Fire Co. or Round Lake Hose Company No. 1 does not constitute a "wage or salary" as defined herein and such members are not, by virtue of such volunteer service, officers or employees. (See also Management Employee)

ETHICS COMMITTEE

A group of volunteers appointed annually and serving at the pleasure of the Town Board to carry out the duties described in this local law.

INTEREST

"Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he, his spouse, or a member of his household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

MANAGEMENT EMPLOYEE

An employee of the Town of Malta with the authority to direct another employee of the Town of Malta in the manner in which that employee shall discharge his employment duties.

OFFICER, PUBLIC OFFICER and MUNICIPAL OFFICER

All members of a Board; all elected persons; and all appointed persons required to sign an oath of office.

RELATIVE

A relative as used in this Chapter means a spouse, domestic partner, child, grandchild, sibling or parent.

UNDUE INFLUENCE

Undue influence is an equitable doctrine that involves one person taking advantage of a position of power over another person. It is where free will to bargain is not possible.

11-3. Applicability

This code of ethics applies to the officers, employees and committee persons of the Town of Malta, and shall supersede any prior Town law or code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Malta. In the event of a conflict with another local law, rule, regulation or procedure of the Town of Malta, this local law shall control.

11-4. Prohibition on use of municipal position for personal or private gain; Undue influence; Deceptive or misleading behavior

Other than as provided by law, contract or resolution of the Town Board, no municipal officer, employee or committee person shall use his municipal position or official powers or duties, or information received

exclusively due to his municipal position, to secure a financial or material benefit for himself, a relative, or any organization in which he has an interest. Officers and employees shall strive to pursue the best interest of the Town of Malta, act within the limits of their positional authorities and deal forthrightly and constructively with the public and each other. Officers and employees shall not knowingly exercise undue influence, or knowingly make use of misleading or untrue information in the course of their official duties.

11-5. Disclosure of interest in legislation and other matters

- a. Whenever a matter requiring the exercise of discretion comes before a municipal officer, employee or committee person, either individually or as a member of a board or committee, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, such person shall disclose, in writing or on the written record, the nature of the interest.
- b. The disclosure shall be made when the matter requiring disclosure first comes before the board or committee, or at the first meeting of the board or committee after the officer, employee or committee person first acquires knowledge of the interest requiring disclosure, whichever is earlier, and re-disclosure shall be made each time the matter comes before that Board or Commission.

11-6. Recusal and abstention

- a. No municipal officer or employee may vote, engage in discussion, make any decision, or take any official action, with respect to any matter requiring the exercise of discretion, when he knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself, a relative, or any organization in which he has an interest. However, such person may physically join the audience and speak as a member of the general public if the public is heard.
- b. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
 1. if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board or, if there is an alternate, by such alternate; or
 2. if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
 3. if the power or duty is vested in a municipal employee other than an officer, he must refer the matter to his immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

11-7. Prohibition inapplicable; disclosure, recusal and abstention not required

- a. This code's prohibition on use of a municipal position (11-4), disclosure requirements (11-5), and requirements relating to recusal and abstention (11-6), nepotism (11-14), shall not apply with respect to the following matters:
 1. adoption of the municipality's annual budget;
 2. any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - i. all municipal officers or employees;
 - ii. all residents or taxpayers of the municipality or an area of the municipality; or
 - iii. the general public; or
 3. any matter that does not require the exercise of discretion.
- b. Recusal and abstention shall not be required with respect to any matter:

1. which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
2. which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

11-8. Investments in conflict with official duties

- a. No municipal officer or employee may acquire the following investments:
 1. investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this local law; or
 2. investments that would otherwise impair the person's independence of judgment in the exercise or performance of his official powers and duties.
- b. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
 1. real property located within the municipality and used as his personal residence;
 2. less than five percent of the stock of a publicly traded corporation; or
 3. bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

11-9. Private employment in conflict with official duties

No municipal officer or employee, during his tenure as a municipal officer or employee, may engage in any private employment, including conducting any business, commercial, professional or other types of services, when the employment:

- a. can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this local law;
- b. can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- c. violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- d. requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

11-10. Future employment

- a. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- b. No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- c. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.
- d. Sub-paragraphs (a), (b) and (c) above notwithstanding, no non-management employee shall be prohibited from seeking or accepting such employment, unless he has had access to confidential information (including the making of policies related to such employer) or has had discretion over matters submitted by such employer to the Town within the last two years.

11-11. Personal representations and claims permitted

This code shall not be construed as prohibiting a municipal officer or employee from:

- a. representing himself, his spouse or his minor children before the municipality; or
- b. asserting a claim against the municipality on his own behalf, on behalf of his spouse or his minor children.

11-12. Use of municipal resources

- a. Municipal resources shall only be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies, Town logo, physical or intellectual property.
- b. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 1. any use of municipal resources authorized by law or written municipal policy;
 2. the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his compensation; or
 3. the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- c. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals, lodging or incidental expenses in connection with official travel.

11-13. Interests in Contracts

- a. No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law, that is: "Except as provided in [General Municipal Law § 802], (1) no municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law."
- b. As set forth in General Municipal Law §803: "Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body", except as provided in General Municipal Law §802(2).

11-14. Nepotism

Except as otherwise required by law:

- a. No municipal officer or employee may participate in any decision to appoint, hire, establish or modify salary or wages, promote, discipline or discharge a relative for any municipal position.
- b. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

11-15. Political Solicitations

- a. No municipal officer or employee shall, directly or indirectly, request, compel or induce a subordinate, municipal officer, employee or an applicant for a position as a municipal officer or employee, to make, or promise to make, any political contribution or vote, whether by gift of money, service or other thing of value.
- b. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose by that person to such municipal officer or employee.

11-16. Confidential Information

No municipal officer or employee who acquires confidential information (e.g., information protected by New York State and Federal privacy laws, social security numbers, medical information, employment evaluations and disciplinary records) in the course of exercising or performing his official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his official powers and duties.

11-17. Gifts

- a. No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in that law or this section.
- b. No municipal officer or employee may directly or indirectly solicit any gift for himself or a relative.
- c. No municipal officer or employee may accept or receive any gift of a value of fifty dollars or more, or multiple gifts from the same donor having an annual aggregate value of seventy-five dollars or more, when:
 - 1. the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his official powers or duties;
 - 2. the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his official powers or duties; or
 - 3. the gift is intended as a reward for any official action on the part of the officer or employee.
- d. For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value when given, determined by the retail cost of the item or a comparable item. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor during the twelve-month period preceding the receipt of the most recent gift.
- e.
 - 1. A gift in excess of the limits set forth above to a municipal officer or employee is presumed to be intended to influence him when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by, or with the participation of, the officer or employee.
 - 2. A gift in excess of the limits set forth above to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization which has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
- f. This section does not prohibit:
 - 1. gifts made to the municipality;

2. gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
3. gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
4. unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
5. awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community;
6. meals and refreshments provided when the municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program or the meals and refreshments are made available to all participants.
7. Gifts approved by the Town Board which are not prohibited by State or Federal Law; or
8. Contributions to political parties or candidates.

11-18. Procedures

- a. The Ethics Committee is authorized and empowered to develop its own procedures, including the use of an executive committee for procedural matters, or virtual meetings (e.g., conference call, email), provided these procedures are not inconsistent with this Chapter. Two-thirds of the Ethics Committee shall constitute a quorum; however, actions of the Committee shall be taken only by majority vote of the entire Committee. Except as otherwise set forth in this local law, or as otherwise required by law, all records of the Ethics Committee, and all deliberations related to inquiries or complaints under §11-18, shall be confidential.
- b. Any municipal officer or employee may submit a question regarding his past (within the past year), present or contemplated future conduct by written request delivered to the Chair of the Ethics Committee, and requesting that the Ethics Committee be convened for the purpose of rendering an opinion as to whether such conduct was, is, or would be in contravention of this local law, Article 18 of New York's General Municipal Law, or New York common law. Such a request shall be in writing, signed, and contain all relevant information, including the identities and contact information for third persons who may have, or be reasonably expected to have, relevant information for the Committee. No officer, employee or other person may be penalized by the Town for engaging in conduct which has been approved by the Committee.
- c. Any person may request that the Ethics Committee convene to determine whether the past (within the past year), present or reasonably anticipated future conduct of a municipal officer or employee is in contravention of this local law, Article 18 of New York's General Municipal Law, or New York common law. Such request shall be in writing and be delivered to a member of the Ethics Committee. The written request must contain the requestor's name and address, be signed by the requestor under penalty of perjury, and contain the specific conduct alleged to be unethical and/or illegal. The reason(s) for the request (information, facts, dates, times and places of the alleged conduct), together with any known witnesses, must be provided. The requestor shall use his best efforts to allege the specific policy or law which the requestor believes has been violated. No officer, employee or other person may be penalized by the Town for submitting a request to the Committee unless the Committee makes a specific finding that the request was submitted without adequate factual basis and in bad faith.
- d. Upon actual receipt of a request made pursuant to Subsection (c), above, the Chair of the Committee shall convene the Committee within one month. The Committee may request that the Town Board provide it with legal counsel with respect to an issue before it, but an attorney need not be present at all meetings of the Committee.
- e. The Ethics Committee is empowered only to render determinations as to whether past (within the past year), present or reasonably anticipated future conduct of a municipal officer or employee is in

contravention of this local law, Article 18 of New York's General Municipal Law, or New York common law. All determinations made after requests made pursuant to Subsection (b) shall be provided to the requestor. All determinations made after requests made pursuant to Subsection (c) shall be provided to the Town Board, the requestor, and the individual whose conduct was the subject of the referral. Should the Committee determine that past or present conduct is in violation of law or this policy, it shall include with its determination proposed action by the Town Board. The Ethics Committee shall require clear and convincing evidence before determining that a violation has occurred. The Town Board shall accept, modify or reject the recommendations of the Committee in open session within 45 days, stating the basis for its determination.

11-19. Penalties for offenses

In addition to any penalty contained in any other provision of law, any such town officer or employee who shall knowingly and intentionally violates any of the provisions of this chapter may be given a letter of counsel, letter of reprimand, fined, suspended or removed from office or employment in the manner provided by law, collective bargaining agreement or terms and conditions of Town employment, including §75 of New York's Civil Service Law.

Appendix E - COMPLAINT FORM/INCIDENT REPORT

Town of Malta
Workplace Complaint Form/ Incident Report

Today's Date _____
Date of Incident _____
Time of Incident _____
Type of Complaint _____
Case Number _____

Employee Name _____
Title _____
Workplace Location _____

What was the employee doing just prior to the incident?

Incident Description (Minimally include names of involved employees, extent of injuries and names of witnesses):

Employee's Signature

Department Head's Signature

Receipt of the Employee Handbook Form

I have received a copy of the Town of Malta’s Employee Handbook.

I understand that I am responsible for reading it and retaining it for my reference. I agree to abide by the policies and procedures as described in the Handbook. I understand that the policies, procedures and benefits described in the Handbook may be changed, modified or deleted at any time. I understand that this Handbook or any other communications by a management representative are not intended to create a contract of employment.

I understand that if I have questions regarding the content of interpretation of this handbook, I must bring them to the attention of the appropriate Department Head.

Name: _____

Employee Signature: _____

Parent/Guardian Signature if under 18 _____

Date: ____/____/____