

TOWN BOARD MEETING

Town of Ulysses

November 27, 2018

Audio of the minutes are available on the website at ulysses.ny.us.

The meeting was held at the Ulysses Town Hall at 10 Elm Street, Trumansburg.

Notice of Town Board meetings are posted on the Town’s website and Clerk’s board.

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Liz Thomas

Board members- Nancy Zahler, Michael Boggs, Richard Goldman

Deputy Town Clerk- Sarah Koski

Bookkeeper- Nina Thompson

Environmental Planner-John Zepko

ABSENT:

Board Member - John Hertzler

OTHERS PRESENT:

Anne Koreman (Tompkins County Legislator)

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7pm.

APPROVAL OF MEETING AGENDA

RESOLUTION 2018-198: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for Nov. 27, 2018 with the addition of setting an organizational meeting date.

Moved: Ms. Thomas

Seconded: Mr. Goldman

Ms. Thomas aye

Ms. Zahler aye

Mr. Hertzler absent

Mr. Boggs aye

Mr. Goldman aye

Vote: 4-0

Date Adopted: 11/27/18

PRIVILEGE OF THE FLOOR:

(none)

REPORTS FROM REPRESENTATIVES:

This was moved to later in the meeting. See below.

GENERAL ANNOUNCEMENTS:

(none)

OLD BUSINESS

ZONING UPDATE - The Town Board called consultant CJ Randall via speakerphone to further discuss the zoning update. Town Planner John Zepko was asked the difference between site plans and special use permits. Site plans deal with an allowed use on a certain piece of property. This deals with the placement of buildings, traffic circulation, placement of utilities, etc. Special Use Permits deal with setting conditions on a use - for example, requiring fencing around a dog kennel operation. It is up to the Town Board to set these conditions, or review criteria, that the Planning Board would use when reviewing projects. Design standards are broader - they apply to all projects regardless of if they will be under a site plan review or special use permit.

Flag lots - When flag lots are created, the Town will encourage shared driveways. It was suggested that a model agreement for shared driveway maintenance would be helpful to residents exercising that option.

Lodge - terminology question - how does a lodge differ from a hotel or inn? Hotel = no limit to guest rooms, only allowed in business districts. Inn = limit of 15 guest rooms, allowed only in the Hamlet Center of Jacksonville. The proposed definition of Lodge is related to an active farm operation or residential use, on a parcel of at least 20 acres. Lodges would be limited to one guest per 5 acres, and would only be in the Ag/Rural zone. Mr. Goldman was concerned that one guest per 5 acres was very limited. Ms. Thomas suggested allowing more guests - perhaps 15 guest rooms as with an inn. After more discussion, the Town Board thought 15 guest rooms might be too much for Ag/Rural areas, and Mr. Goldman suggested 8 rooms per 15 acres. Mr. Goldman also asked Ms. Randall to come up with design standards for lodges. Mr. Zepko cautioned that if this somewhat dense commercial use will be allowed in Ag/Rural areas, there will be more traffic, noise, lights and signs. It will be important to have design standards to make sure the lodges will be in harmony with the rural character of the area. Lodges would be subject to site plan review and special use permits.

Bed and Breakfast (B&B) - Mr. Goldman inquired about the difference in occupancy taxes for different types of lodging. Ms. Thomas will check with the county. Mr. Zepko also suggested thinking about short term rentals such as Air B&B's.

Multiple dwelling units - There is currently a definition for multiple residences but not for apartments. Mr. Zepko suggested he and Ms. Randall work together to come up with density definitions.

Waterburg - Mr. Goldman has spoken to a number of Waterburg residents. The general consensus is that residents wanted to maintain the development level that exists and to preserve the character of the hamlet. Mr. Goldman prepared an overview of the proposed zoning changes to the Waterburg H2 Hamlet District and the Board was in agreement with the changes outlined.

Mr. Zepko left at this time.

REPORTS FROM REPRESENTATIVES:

Anne Koreman, Tompkins County Legislator

- Dredging the inlet- the City of Ithaca is actively working with the NY State Canal Corporation. They are expecting within a year to start dredging parts of the canal.
- Plastic bag ban - a longer timeline is in place since this would be a law. Expecting a county legislature vote in May or June. The county wants to make sure they maintain a good relationship with stores and restaurants. Wegmans is on board with the idea of a plastic bag ban. The Town of Enfield passed a resolution supporting the county's proposed plastic bag ban, but Ms. Koreman suggests that it's premature for Ulysses to do likewise. Ms. Koreman will be meeting with the Town's Conservation and Sustainability Advisory Committee (CSAC) to give them an update and coordinate outreach to stores and businesses within the Town.
- The Community Housing Development Fund will provide small grants to municipalities to research affordable housing options. Approving funds for parks and outdoor activities will be going before the county legislature next week. If that goes through, municipalities can apply for funding.
- The County passed a resolution against re-powering the power plant with natural gas, as well as a resolution supporting the state law, currently in committee, that would legalize recreational marijuana.

Ms. Thomas noted that Ms. Kiley and Mr. Doyle from the County Planning Department recently came out to the Town to discuss opportunities for collaboration. Ms. Thomas requested help from county planners in addressing the County's Energy Roadmap.

Ms. Zahler shared a recently acquired framed photograph of the old grange hall in Jacksonville, which is now the Namaste Montessori school.

ADJUSTING PAY PERIODS TO MATCH THE CALENDAR YEAR

Ms. Thomas gave a brief overview of the issue and a recommended solution. Ms. Thompson added further details and the board discussed.

RESOLUTION 2018-199: BUDGET MODIFICATION FOR 11/27/2018

WHEREAS, both Generally Accepted Accounting Principles (GAAP) guidance and New York State Office of the State Comptroller's requirements instruct municipalities to accrue payroll related expenditures at fiscal year-end, and

WHEREAS, the Town of Ulysses wishes to be in compliance with GAAP and State requirements,
Now therefore be it

RESOLVED, that the Ulysses Town Board approve the following budget modifications to cover the 2018 year end payroll accruals:

A FUND BUDGET MODIFICATIONS

A1010.1	Town Board PS	INCREASE	\$68.00
<i>To cover EOY payroll accruals</i>			
A1110.1	Town Justice 1 PS	INCREASE	\$740.00
<i>To cover EOY payroll accruals</i>			
A1110.11	Town Justice 2 PS	INCREASE	\$740.00
<i>To cover EOY payroll accruals</i>			
A1110.12	Town Justice Clerk PS	INCREASE	\$1,803.00
<i>To cover EOY payroll accruals</i>			
A1220.1	Supervisor PS	INCREASE	\$751.00
<i>To cover EOY payroll accruals</i>			
A1220.11	Bookkeeper PS	INCREASE	\$2,137.00
<i>To cover EOY payroll accruals</i>			
A1220.13	Budget Officer PS	INCREASE	\$694.00
<i>To cover EOY payroll accruals</i>			
A1410.1	Town Clerk PS	INCREASE	\$2,227.00
<i>To cover EOY payroll accruals</i>			
A1410.11	Deputy Town Clerk PS	INCREASE	\$1,321.00
<i>To cover EOY payroll accruals</i>			
A1410.12	2 nd Deputy Town Clerk PS	INCREASE	\$72.00
<i>To cover EOY payroll accruals</i>			
A5010.1	Highway Superintendent PS	INCREASE	\$2,445.00

<i>To cover EOY payroll accruals</i>			
A1990.4	Contingency	DECREASE	\$11,738.00
<i>\$0.00 would remain in the A Fund Contingency account</i>			
A1620.2	Town Hall EQ	DECREASE	\$1,260.00
<i>To move available budget to cover EOY payroll accruals</i>			

B FUND BUDGET MODIFICATIONS

B3620.1	Enforcement Officer PS	INCREASE	\$1,229.00
<i>To cover EOY payroll accruals</i>			

B8010.1	Zoning PS	INCREASE	\$1,217.00
<i>To cover EOY payroll accruals</i>			

B8021.1	Planner PS	INCREASE	\$1,217.00
<i>To cover EOY payroll accruals</i>			

B1990.4	Contingency	DECREASE	\$3,663.00
<i>\$4,677.00 would remain in the B Fund Contingency account</i>			

SW3 FUND BUDGET MODIFICATIONS

SW3-8340.1	Water District Operator PS	INCREASE	\$2,700.00
<i>To cover EOY payroll accruals & adjustments to staffing</i>			

SW3-8340.11	WD3 Laborer PS	DECREASE	\$2,179.00
<i>To move available budget to cover adjustments to staffing</i>			

SW3-8330.4	SW3 Water Purification CE	DECREASE	\$521.00
<i>To move available budget to cover EOY payroll accruals</i>			

Moved: Ms. Thomas

Seconded: Ms. Zahler

Ms. Thomas aye
 Ms. Zahler aye
 Mr. Hertzler absent
 Mr. Boggs aye
 Mr. Goldman aye

Vote: 4-0

Date Adopted: 11/27/18

NEW BUSINESS:

RESOLUTION 2018-200: AMENDING THE PERSONNEL POLICY OF THE TOWN OF ULYSSES- LEAVE OF ABSENCE SECTION 508

WHEREAS the current Personnel Policy for the Town of Ulysses dated 8/14/2018 is unclear about several leaves of absence,
Therefore, be it

RESOLVED that the Ulysses Personnel Policy section 508 is amended as presented and edited at the 11/27/2018 meeting.

Moved: Ms. Thomas

Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	absent
Mr. Boggs	aye
Mr. Goldman	aye

Vote: 4-0

Date Adopted: 11/27/18

SEE APPENDIX

RESOLUTION 2018-201: AMENDING THE PERSONNEL POLICY OF THE TOWN OF ULYSSES- CALL IN PAY SECTION 603

WHEREAS the current Personnel Policy for the Town of Ulysses dated 8/14/2018 is unclear about call-in pay for seasonal and part-time workers,
Therefore, be it

RESOLVED that the Ulysses Personnel Policy Section 603 shall be amended as follows:

603 Call-In Pay (Amended 2/13/18, 11/27/2018)

Call-in time is defined as when an employee is not at work and they are asked to come into work outside normal work day hours. Normal work day hours are set by the department head (Highway Superintendent) and can vary seasonally. Normal work day hours are set annually by the Highway Superintendent at the Organizational Meeting. Call-in time starts when a employee is contacted by their Supervisor. The employee then has 30 minutes to report to work. Staying late to work overtime is not considered call-in time.

Hours worked as call-in hours (including travel time) are considered hours worked for the purposes of calculating overtime.

Call-in time will be paid at 1.5 times the employee's regular rate of pay, except if they are worked on a holiday (see Holiday Pay section).

Employees called in to work outside their regular work day for hours that do not abut their normal work day will be guaranteed a minimum of 3.5 hours of pay at 1.5 times their normal rate of pay unless the call-in occurs on a holiday (see Holiday Pay section).

Examples:

Example 1: Defining Call-In time:

The normal work day is from 7:00 a.m. to 3:30 p.m.

An employee is called in (contacted by the Highway Superintendent) to work at 4:30 a.m., reports to work at 5:00 am and works until 3:30 p.m.

The 2.5 hours from 4:30 to 7:00 am is call-in time.

Or if the employee works a normal work day, leaves work at 3:30 pm and then is contacted by their supervisor at 7:00pm, reports to work at 7:30 pm and works to 9:00 p.m., the time from 7:00 to 9:00 is call-in time. The guaranteed minimum of 3.5 hours would apply in this situation and the employee would be paid for 3.5 hours of call-in time at 1.5 times the employee's regular rate of pay.

For examples of how call-in pay is calculated, refer to Appendix P.

Eligibility - Class A, B, C, Temporary and Seasonal employees are eligible for Call-In Pay in accordance with this policy.

Should an employee fall under a classification covered by the currently in-force Labor Agreement (Union Contract), then the Call-In Pay provisions of that Agreement will supersede and apply to those employees.

Moved: Ms. Thomas

Seconded: Mr. Boggs

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	absent
Mr. Boggs	aye
Mr. Goldman	aye

Vote: 4-0

Date Adopted: 11/27/18

RESOLUTION 2018-202: APPOINTING TEMPORARY SEASONAL WORKERS FOR HIGHWAY DEPARTMENT

RESOLVED that the Town of Ulysses Board appoints David Linn as a Temporary Worker for the Highway Department at the hourly rate of \$22 and appoints Rick Baker as a Temporary Worker for the Highway Department at the rate he is currently paid by Tompkins County.

Moved: Ms. Thomas

Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye

Mr. Hertzler absent
Mr. Boggs aye
Mr. Goldman aye

Vote: 4-0

Date Adopted: 11/27/18

Discussion: Ms. Zahler would like to have had more information about the employees before hiring.

RESOLUTION 2018-203: AMENDING THE PERSONNEL POLICY OF THE TOWN OF ULYSSES- MEDICAL COVERAGE SECTION 706

WHEREAS the current Personnel Policy for the Town of Ulysses dated 8/14/2018 is unclear about Medicare Coverage for Active Employees and their dependents,
Therefore, be it

RESOLVED that the Ulysses Personnel Policy section 706 is amended as presented and edited at the 11/27/2018 meeting.

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Thomas abstain
Ms. Zahler aye
Mr. Hertzler absent
Mr. Boggs aye
Mr. Goldman aye

Vote: 3-0

Date Adopted: 11/27/18

SEE APPENDIX

RESOLUTION 2018-204: AMENDING THE PERSONNEL POLICY OF THE TOWN OF ULYSSES- CLARIFICATION TO SECTION 707

WHEREAS the current Personnel Policy for the Town of Ulysses dated 8/14/2018 is unclear in several sections regarding benefits for retirees,
Therefore, be it

RESOLVED that the Ulysses Personnel Policy section 707 is amended as presented and edited at the 11/27/2018 meeting.

Moved: Ms. Thomas Seconded: Mr. Goldman

Ms. Thomas aye

Ms. Zahler aye
Mr. Hertzler absent
Mr. Boggs aye
Mr. Goldman aye

Vote: 4-0

Date Adopted: 11/27/18

SEE APPENDIX

**RESOLUTION 2018-205: AMENDING THE PERSONNEL POLICY OF THE TOWN OF ULYSSES-
CLASSIFICATIONS SECTION 104**

WHEREAS the current Personnel Policy for the Town of Ulysses dated 8/14/2018 is unclear in several sections regarding benefits for elected officials,

Therefore, be it

RESOLVED that the Ulysses Personnel Policy section 104 is amended as presented and edited at the 11/27/2018 meeting.

Moved: Ms. Thomas Seconded: Mr. Zahler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler absent
Mr. Boggs aye
Mr. Goldman aye

Vote: 4-0

Date Adopted: 11/27/18

SEE APPENDIX

RESOLUTION 2018-206: SETTING THE 2019 ORGANIZATIONAL MEETING DATE

RESOLVED that the Organizational meeting for 2019 will be on January 10th at 8am.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler absent
Mr. Boggs aye
Mr. Goldman aye

Vote: 4-0

Date Adopted: 11/27/18

RESOLUTION 2018-207: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from the regular meeting on 11/5, 11/7, 11/8, 11/13 & 11/14 with the following changes: from the minutes of 11-5 and 11-8 - Ms. Zahler's questions/comments were included and Ms. Thomas requested that the list of questions be removed as they cause confusion. Ms. Zahler agreed.

Moved: Ms. Thomas

Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	absent
Mr. Boggs	aye
Mr. Goldman	aye

Vote: 4-0

Date Adopted: 11/27/18

ADJOURN:

Ms. Zahler moved to adjourn the meeting at 10:26pm; seconded by Mr. Boggs.

APPENDIX:

104 Classifications – (Amended 11/22/2016, 11/27/2018)

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

“Class A” Full-Time Employees – For purposes of this Personnel Policy, the term “Class A employee” will mean an employee who is regularly scheduled to work a minimum of thirty (30) or more hours per week.

“Class B” Employees – For purposes of this Personnel Policy, the term “Class B employee” will mean an employee who is scheduled on a regular and on-going basis to work at least twenty (20) or more and less than thirty (30) hours per week.

“Class C” Employees – For purposes of this Personnel Policy, the term “Class C employee” will mean an employee who is scheduled on a regular and on-going basis to work less than twenty (20) hours per week.

“Shared Employee” – For the purposes of this Personnel Policy, the term “Shared Employee” will mean:

- an employee who works for the Town of Ulysses and one other municipality (either within Tompkins County or adjacent municipalities in neighboring counties), and
- an employee whose combined hours are more than 20 hours/week.

The Town may enter into agreements with other municipalities to arrange for payment/reimbursements for health insurance and dental premiums.

A “Shared Employee” will be classified under the Town of Ulysses Employee Classification system based on their combined total hours worked for both municipalities. The employee will be entitled to have the Town of Ulysses pay a proportional share of their health insurance and dental benefits based on the classification fitting the total hours worked for both municipalities. However, the total of insurance premium payments (by both municipalities) may not exceed the maximum benefit of the Town's classification.

For example,

If the Town's payment of "Class A" benefits equals 90%, the employee's benefits may not exceed 90%. If the sharing municipality offers more generous insurance coverage, the Town of Ulysses will only provide its share of a 90% benefit maximum.

An employee working 20 hours for the Town of Ulysses and 20 hours for another municipality would be considered a Class A employee in 2016. The Personnel Policy requires the Town to pay 90% of health insurance for a Class A employee. For a "Shared Employee", the Town would pay half, or 45%, of the health insurance premium.

Temporary Employees – For purposes of this Personnel Policy, 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 Personnel Policy, 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 Personnel Policy, 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 Personnel Policy, "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.

Elected Officials – Elected Officials are not considered "employees" and do not accumulate benefits that can be paid out or used after their elected term of office. For the purposes of health benefits described in the Personnel Policy, "Elected Official" refers to the following Elected Officials of the Town of Ulysses. Elected Officials must work on an annual basis an average of the hours/week outlined in the Organizational Meeting minutes:

- Town Clerk (considered Class "A" exempt): A Clerk, with the approval of the Town Board, may work less than full time and receive pro-rated health benefits.
- Superintendent of Highways (considered Class "A" exempt) Superintendent, with the approval of the Town Board, may work less than full time and receive pro-rated health benefits.
- Town Supervisor, (considered a Class "A" exempt) a Supervisor, with the approval of the Town Board, may work less than full time and receive pro-rated health benefits.
- Town Board Members (considered Class "C" exempt)
- Town Justices (considered Class "C" exempt)

500 ABSENCE POLICIES

508 *Family and Medical Leave Policy* (amended 11/27/2018)

Policy Statement – The federal FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

It is the policy of the Town of Ulysses to grant full-time employees a job-protected leave of absence under FMLA rules without pay for a period of up to **twelve weeks** within a calendar year, under certain circumstances due to medical conditions of either the employee or the employees' family member (as defined below). If and when any employee meets the eligibility requirements under the *Family and Medical Leave Act (FMLA)*, the provisions of the FMLA shall cover the initial time off (up to 12 weeks, or whatever the federal law requires). If after leave is exhausted under FMLA, or the NYS Paid Family Leave Act, the employee can demonstrate continued need, they may apply for an unpaid *Medical Leave of Absence Extension* due to medical conditions of either the employee or the employee's family member (as defined below in FMLA). For more information: <https://www.dol.gov/whd/fmla/>

Granting of Leave of Absence – The granting and duration of each unpaid leave of absence will be determined by the Town Board in accordance with applicable federal and state laws, including Civil Service Law Sections 71, 72 and 73, and the *Civil Service Rules for Tompkins County*.

Types of Leave – The following types of unpaid leaves of absence will be considered:

- **Sick Leave of Absence** – Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave includes disabilities caused by pregnancy, childbirth, or other related medical conditions. The Town requires certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

In addition to leave provided under this policy, 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. Civil Service Law Section 71 also provides for leave of at least two years when the absence is a result of an assault sustained by an employee during the course of employment. This leave runs concurrently with leave approved under the FMLA. Employees should consult with the Town Supervisor's office for further details regarding this provision.

- **Parental Leave of Absence** – Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted an unpaid parental leave of absence to care for a child upon birth or upon placement for adoption or foster care. The purpose of this parental leave is to allow parents of a new-born child or newly adopted child to care for and bond with the child. Therefore, the Town reserves the option to demand supporting documentation from a non-custodial parent who requests parenting leave before parental leave is approved. Forms of supporting documentation may include a certification from the custodial parent or a copy of a court-order of child custody. See also section 710B *Paid Family Leave*.

- **Family Care Leave of Absence** – Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. See details under section 710B: *Paid Family Leave*
- **Medical Leave of Absence Extension** – If the employee's medical condition extends beyond the 12 weeks of FMLA, an employee may apply for an maximum 12 week extension of the *Leave of Absence*. The same conditions, notifications and rules that govern FMLA will apply to this extension of Medical Leave of Absence. As with FMLA requirements, health insurance will be continued.

Eligibility – To be eligible, an employee must meet the following requirements:

- The employee must have completed at least one calendar year of full-time, continuous service immediately preceding the date leave commences.

Definitions – For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** shall mean and refer to an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential

medical care facility, or any subsequent treatment in connection with such in-patient 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 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** shall 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** shall mean and refer to:

- * **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage; or committed domestic partners who are those who are financially and emotionally interdependent in a manner commonly presumed of spouses.
- * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined 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 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 and Department Head must complete the Leave of Absence Request Form and forward the completed form to the Town Supervisor for review. The failure of an employee to give thirty days' written notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

Status Reports – The employee must periodically update the 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. 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 Town of Ulysses reserves the right to request a second opinion by another health care provider. The Town will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the

Town may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Town 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 unpaid leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the Town of Ulysses.

Benefits During a Leave of Absence – For the purpose of this policy, the following will apply:

Use of Accrued Paid Leave Credits – An employee taking leave for the **birth, adoption or foster placement of a child or to care for a spouse, child or parent with a serious health condition** may use all vacation leave credits in addition to the maximum twelve weeks of leave.

For leaves taken due to the **employee's own serious health condition**, the employee must first use all sick leave and vacation leave credits, which will be included in the maximum twelve weeks of leave. However, in the event that the paid leave credits available are greater than the maximum twelve-week period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-week 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 Town Board 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 *Civil Service Rules for Tompkins County*.

- **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 leave under this policy an employee’s eligibility status for medical insurance coverage will not change. 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 709) will apply. In addition, the Town 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 eligible family member 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.

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 an authorized leave of absence 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 *Civil Service Rules for Tompkins County*.

- **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 Town reserves the right to have the employee examined by a physician selected and paid for by the Town 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 Town Supervisor.

- **Extension of Unpaid Leave of Absence** – An employee who wants an extension of the leave previously requested must notify the town at least two business days from the date the change occurred which necessitates the change in leave time. The Town Board reserves the right to approve or deny all leave extensions or authorize the Supervisor to do so.

Statement of Compliance – The Town of Ulysses complies with the provisions of the Family and Medical Leave Act (FMLA). Information about FMLA is posted on the notice board in Town Hall.

603 Call-In Pay (Amended 2/13/18, 11/27/2018)

Call-in time is defined as when a non-exempt employee is not at work and they are asked to come into work outside normal work day hours. Normal work day hours are set by the department head (Highway Superintendent) and can vary seasonally. Normal work day hours are set annually by the Highway Superintendent at the Organizational Meeting. Call-in time starts when an employee is contacted by their Supervisor. The employee then has 30 minutes to report to work. Staying late to work overtime is not considered call-in time.

Hours worked as call-in hours (including travel time) are considered hours worked for the purposes of calculating overtime.

Call-in time will be paid at 1.5 times the employee's regular rate of pay, except if they are worked on a holiday (see Holiday Pay section).

Employees called in to work outside their regular work day for hours that do not abut their normal work day will be guaranteed a minimum of 3.5 hours of pay at 1.5 times their normal rate of pay unless the call-in occurs on a holiday (see Holiday Pay section).

Examples:

Example 1: Defining Call-In time:

The normal work day is from 7:00 a.m. to 3:30 p.m.

An employee is called in (contacted by the Highway Superintendent) to work at 4:30 a.m., reports to work at 5:00 am and works until 3:30 p.m.

The 2.5 hours from 4:30 to 7:00 am is call-in time.

Or if the employee works a normal work day, leaves work at 3:30 pm and then is contacted by their supervisor at 7:00pm, reports to work at 7:30 pm and works to 9:00 p.m., the time from 7:00 to 9:00 is call-in time. The guaranteed minimum of 3.5 hours

would apply in this situation and the employee would be paid for 3.5 hours of call-in time at 1.5 times the employee's regular rate of pay.

For examples of how call-in pay is calculated, refer to Appendix P.

Eligibility – Non-exempt Class A, B, C, Temporary and Seasonal employees are eligible for Call-In Pay in accordance with this policy.

Should an employee fall under a classification covered by the currently in-force Labor Agreement (Union Contract), then the Call-In Pay provisions of that Agreement will supersede and apply to those employees.

706 Medical & Vision Insurance (Amended 4/22/14, 12/8/15, 11/22/16, 11/27/2018)

Eligibility – The Town will make available medical insurance coverage to each Class A and B employee and their eligible family members. Certain Elected Officials, as designated in section 103 and 104 will also be eligible for medical insurance coverage. These Elected Officials will be deemed eligible for medical insurance coverage based on the number of hours worked. A Class C, temporary or seasonal employee is not eligible for this plan.

Vision Insurance – The Town medical insurance includes vision coverage.

When Coverage Begins – Coverage will begin on the employee’s first day of employment or for Elected Officials, the first day of office, 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 or the Elected Official ends elected service. Coverage may continue for such eligible employees and Elected Officials in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with Town policy and plan documents.

Premium Payment – The amount of the insurance premium an employee or Elected Official is required to contribute is as follows

Premium Reimbursement Payments
Table 706 A

	Rate of Contribution	
	Town	Employee
Employee Class (Hours/week)		
A (30 or more)	90%	10%
B (20 or more, <30)	50%	50%

Pre-Tax Insurance Premiums – The employee's contribution towards the health insurance premium will be paid with pre-tax dollars. Deductions are taken from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net take-home pay.

Health Savings Accounts (*added 11/22/16; amended 5/9/17, 10/10/17*)

The IRS allows employers and eligible employees to contribute to HSAs. The Town will contribute to a health savings account (HSA) for each employee who is eligible and signed up for health insurance through the town. Annually, the town board will contribute an amount not to exceed 50% of the in-network, out-of-pocket maximum. Employees or Elected Officials may contribute pretax dollars to their HSA in addition to funds the town has contributed up to the combined allowable limit as determined by the IRS. Funds belong to the employee or elected official, subject to IRS regulations.

Newly hired employees are entitled to a prorated portion of the HSA funds based on their date of hire. The rate contributed would be proportional to the number of months left in the year the employee was hired. For example, if the HSA contribution from the town is \$2000 annually and the new employee begins work on October 1 (3/4 of the way through the year), the amount the town would contribute to the employee's HSA would be 1/4 of \$2000, or a total of \$500.

Coverage for Active Employees and Dependents When Medicare Eligible – Permanent Employees or Elected Officials as well as dependent(s) who are eligible for Medicare must enroll in both Medicare Part A and Part B during the open enrollment period each year. The individual employee is responsible for Medicare enrollment. The Town will pay for Medicare Supplemental Insurance to help cover expenses not covered by Medicare Parts A and B for eligible active employees or Elected Officials and their dependents at the rate specified in table 706A. Medicare recipients are not charged for Part A.

Medicare Part B: The Town will reimburse Medicare eligible active Employees, active Elected Officials, or dependents of either, for their Medicare Part B premiums according to the percentages specified in table 706A.

Medicare Supplemental: The Town Board will annually approve the Medicare Supplemental Plan to be sponsored by the Town. An Employee, Elected Official or the dependent of either, can elect to use an alternate supplemental plan. In such a case, the Town will provide reimbursement based on Table 706A.

The Employee or Elected Official or their dependent must provide proof of payment on a quarterly basis in order to receive the reimbursement.

If the Employee, Elected Official or the dependent(s) of either chooses a plan that is more expensive than the approved plan, the Town is not responsible for reimbursement for anything but the equivalent dollar value they would be eligible for under the approved plan. If the Employee, Elected Official or the dependent(s) of either chooses a plan that is less expensive than the approved plan, the Town will only reimburse the percentage specified in table 706A of that less expensive plan.

For Dependents who are not Medicare eligible:

Should the employee, or elected official be eligible for Medicare, but their dependent is not, the Town will pay for the dependent's insurance policy based on the percentage specified in table 706A.

707 Medical Insurance for Retirees (Amended 4/22/14, 12/8/15, 12/14/15, 11/27/2018)

Definition of Retirement – Retirement is defined as the day when the employee begins to collect retirement from the New York State Local Retirement System.

Coverage – The Town currently offers medical insurance coverage to an eligible Class A and B employee who retires from the Town. Coverage is also currently available for eligible dependents (includes spouse) if they were covered under the Town’s medical insurance plan at the employee’s date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with COBRA requirements.

Coverage for Medicare Eligible Retirees- Town provides Medicare Supplemental Insurance at the percentage rates listed in the table below. Per insurance company requirements, the retiree and/or eligible dependent must enroll in both Medicare part A and part B to be eligible for this coverage. Coverage includes prescriptions for employee and Medicare eligible spouse. The retiree is required to pay his or her share of the Medicare Supplemental insurance (based on the table 707 A on the next page) on a quarterly basis. Medicare recipients do not pay for Part A. The Town will not pay for Part B, even if the employee was enrolled in Medicare as an active employee.

Eligibility and Premium Payments– To be eligible for coverage, the retired employee must meet the requirements set forth in the table below. Coverage for retirees less than 65 years of age includes dependents who were covered under insurance before retirement. Employees must register for Medicare as their primary insurance at age 65. If an employee is eligible for Medicare and their dependents are not, dependents that were on the employee’s insurance plan at the time of retirement are eligible for the insurance provided through the Town at the same level of coverage the employee is entitled to. An employee who leaves employment due to disciplinary action is not eligible for medical insurance or prescription drug coverage for retirees. These eligibility requirements are subject to change by resolution of the Town Board. Current retirees are eligible to continue to receive the benefits that were in force when they retired from the Town.

Medicare Supplemental Plan

The Town Board will annually approve the Medicare Supplemental Plan to be used. If the retiree elects to use a different plan, the Town will provide a reimbursement equivalent to the dollar value the retiree is eligible for based on the Town Board approved plan. The retiree must provide proof of payment on a

quarterly basis in order to receive the reimbursement. If the retiree chooses a plan that is more expensive than the approved plan, the Town is not responsible for reimbursement for anything but the equivalent dollar value the retiree is eligible for. If the retiree chooses a plan that is less expensive than the approved plan, the Town will only reimburse the amount of that less expensive plan.

Changes in Premium Contributions and Plan – The Town Board understands that part of retirement planning is based on the contribution the town will make to health insurance costs and will take this into consideration if any changes to this policy should be necessary.

Table 707A

Time Period and Eligibility		Town/ Employee Share of Insurance Premium			
		For Non-Medicare Eligible (<65)		For Medicare Eligible* (65+)	
		% Town pays	% Employees	%Town pays	% Employee
Employees with a retirement date between Jan. 2015 – Dec. 2019:					
At age 60 with 30 years of service. Employee Class:	A	90	10	90	10
	B	50	50	50	50
At age 60 with 25 years of service. Employee Class:	A	85	15	85	15
	B	50	50	50	50
At age 60 with 20 years of service. Employee Class:	A	80	20	80	20
	B	50	50	50	50
Employees with a retirement date after January 1, 2020:					
		% Town pays	% Employees	%Town pays	% Employee
At age 60 with 30 years of service. Employee Class:	A	80	20	50	50
	B	50	50	40	60
At age 60 with 25 years of service. Employee Class:	A	75	25	50	50
	B	45	55	40	60
At age 60 with 20 years of service. Employee Class:	A	70	30	50	50
	B	40	60	40	60

* Town provides Supplemental Insurance including prescription coverage for employee and Medicare eligible spouse.

Respectfully submitted by Sarah Koski 12/4/2018.