

VILLAGE OF SPRINGVILLE
2023 MINUTES

March 6, 2023

7:00 P. M.

The Regular Meeting of the Trustees of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Mayor	Timothy Michaels
Trustees	Reed Braman Lindsay Buncy Mary Padasak Terry Skelton
Village Administrator	Liz Melock
Superintendent of Public Works	Duane Boberg
Police Officer in Charge	Nicholas Budney
Building Inspector/ Code Enforcement Officer	Michael Kaleta
Village Attorney	Paul Weiss
Deputy Clerk	Holly Murtiff
Also Attending Jerry Cohoon Jim Siminski	Max Borsuk, Springville Journal Philip Drozd Daniel Uhteg
Absent	Marc Gentner, Fire Chief

Mayor Michaels called the meeting to order at 7:00 PM.

1. Minutes Minutes of the Regular Meeting of February 21, 2023, were as written, by motion of Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed.

PUBLIC HEARING

2. LL 2023-3 Chapter 160 At this time Mayor Michaels opened the public hearing for LL 2023-3, Chapter 160-Volunteer Firefighter Exemption. After discussion, motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to closing the public hearing.

PUBLIC COMMENT

There was no public comment this evening.

DEPARTMENT REPORTS

ADMINISTRATOR REPORT

3. LL 2023-3 Chapter 160 Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed to declaring the Village of Springville as the Lead Agency for LL 2023-3, Chapter 160: Article IV – Volunteer Firefighters & Ambulance Workers.

Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Buncy and Braman voting yes, none opposed to approve the SEQR Neg Dec for LL 3 of 2023 – Chapter 160 Article IV – Volunteer Firefighters & Ambulance Workers.

Motion was made by Trustee Skelton, seconded by Mayor Michaels; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to approving LL3 of 2023 – Chapter 160 Article IV – Volunteer Firefighters & Ambulance Workers with the three options available as a package. Administrator Melock did point out that this exemption will not have an effect until the 25/26 Village tax bills. **030623 A.1**
4. Electric Circuit Switch Bid Award Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to award the electric circuit switch bid from the bid opening on February 10, 2023 to Myers Controlled Power in the amount of \$73,662 upon the recommendation from our electric engineers. The funding for this is the electric 2020 borrowing.
5. Grass Clipping & Plant Waste Pick up After discussion and explanation from Superintendent Boberg and Administrator Melock, motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed to approving the discontinuation of the pickup of grass clippings and flower-plant waste effective immediately. Cost of the dumpsters and hauling to a land fill are cost prohibited and the material is taken to the landfill by the waste hauler either way. Superintendent Boberg did add that there will be a spring leaf pick up scheduled.
6. Employee Handbook Modifications Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to modify the employee handbook for changes to the Health Insurance Contribution, Holidays, Sick Leave Bonus and Funeral Leave to take effect June 1, 2023 as shown on attachments. **030623 A.2**
7. Sewer Base Charge Increase Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed to approve a sewer rate increase for Waste Water Treatment Plant debt payments for the improvements due to the DEC Consent Order. The increase will be to the basic unit charge by \$16 per unit per month effective May 1, 2023. The base sewer charge will go from \$28 to \$44 per month.

Administrator Melock updated the Board on the following;

- Public Hearing on Tentative Budget is March 20th. Tentative Budget will be available on the web site and Village Office by March 14th.
- Financial reports (Treasurer's Report) – Balance Sheets, Rev & Exp Summaries have been submitted to the village board for Feb 2023.
- No Parking Ban ends April 1st.
- Free Summer Concerts have been scheduled and a flyer went out with the March utility bills along with a Limb & Brush Schedule. Info is also on our Facebook & Web page.
- 96-gal garbage Tote delivery is scheduled for May 30-June 2, 2023. Property owner on record will be charged \$64 per tote on the Village Tax bill. Garbage totes will be set up for delivery to same properties that have recycling totes now.

SUPERINTENDENT REPORT

Superintendent Boberg had no report this evening.

POLICE DEPARTMENT

Officer in Charge Budney updated the Board on the following;

- SPD February 2023 report
- ECSO February 2023 report

8. Surplus Motion was made by Trustee Skelton, seconded by Trustee Buncy; carried, Mayor Michaels, Trustees Skelton, Buncy, Braman and Padasak voting yes, none opposed to declare the Panasonic CF-31 computer/dock surplus to allow for possible sale to another law enforcement/government agency.

9. Policy Amendments Motion was made by Trustee Skelton, seconded by Mayor Michaels; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to approving the amendments to the following policies of the Manual of Procedure to become a certified hiring agency with NYS DCJS. **030623 A.3**

TR-1 Recruitment
AD-8 Internal Affairs/Citizen Complaints
AD-37 Discipline

FIRE DEPARTMENT

Administrator Melock read the Fire report outlining the following;

- Calls
- Training
- Activity

BUILDING INSPECTOR/CODE ENFORCEMENT

BI/CEO Kaleta had no report this evening.

March 6, 2023

Page (4)

CONTROL CENTER

The Control Center report was read by Trustee Braman;

- Personnel
- Equipment
- Calls

NEW BUSINESS

There was no New Business this evening.

OLD BUSINESS

There was no Old Business this evening.

BILLS

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #257 through #270, total of \$129,836.86 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed.

PERMITS AND APPLICATIONS

Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Buncy and Braman voting yes, none opposed to accepting the permits and applications attached.

PROJECT: 0000010126 - UTILITY CHANGES-WATER TYPE: PLUMBING
PROPERTY: 100 FOREST AVE
ISSUED DATE: 2/15/2023
ISSUED TO: BENZ, ETHAN
100 FOREST AVE
SPRINGVILLE, NY 14141

PROJECT: 0000010127 - UTILITY CHANGES-ELECTRIC TYPE: ELECTRIC
PROPERTY: 7635 ZOAR RD
ISSUED DATE: 2/17/2023
ISSUED TO: WIBLE, BOYD
7635 ZOAR VALLEY RD.
SPRINGVILLE, NY 14141

PROJECT: 0000010128 - NONRES NONSTRUCTURAL TYPE: NONRES
PROPERTY: 271 W MAIN ST NONSTRUCTURAL
ISSUED DATE: 2/22/2023
ISSUED TO: NABOZNY, JP
271 W. MAIN ST.
SPRINGVILLE, NY 14141

PROJECT: 0000010129 - VIOLATION-TRASH TIRES ETC TYPE: VIOLATION
PROPERTY: 30 ELM ST
ISSUED DATE: 2/28/2023
ISSUED TO: HEIM, WILLIAM
12920 DOWD ROAD
SPRINGVILLE, NY 14141

March 6, 2023

Page (5)

PROJECT: 0000010130 - VIOLATION-COUCH AT ROAD/TRUCK TYPE:
PROPERTY: 168 MAPLE AVE VIOLATION
ISSUED DATE: 2/28/2023
ISSUED TO: STRESING, NATHAN
168 MAPLE AVE
SPRINGVILLE, NY 14141

PROJECT: 0000010131 - UTILITY CHANGES-SEWER TYPE:
PROPERTY: 10 WAVERLY ST PLUMBING
ISSUED DATE: 3/01/2023
ISSUED TO: NOVA GLASS & MIRRORS
10 WAVERLY ST
SPRINGVILLE, NY 14141

VILLAGE ATTORNEY NOTES

There was no Attorney's report this evening

TRUSTEE NOTES

Trustee Skelton had no report this evening.

Trustee Buncy informed everyone that the Springville Area Chamber of Commerce has begun the dissolution process.

Trustee Padasak had no report this evening.

Trustee Braman informed everyone that he recently attending a Historic Preservation Meeting regarding the sign at the Fresh store.

Mayor Michaels had no report this evening.

TREE COMMITTEE REPORT

There was no Tree Committee report this evening.

10. Adjourn Motion was made by Trustee Braman, seconded by Trustee Skelton; carried, Mayor Michaels, Trustees Braman, Skelton, Buncy and Padasak voting yes, none opposed to adjourn to Executive Session at 7:48 pm to discussion personnel and union issues.
11. Union Issues Upon return from Executive Session motion was made by Trustee Braman, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Braman, Padasak, Buncy and Skelton voting yes, none opposed to approve Village Attorney to be the Lead Representation regarding mediation and fact finding, if necessary, with the SEIU union. These services will be at the usual labor rate.

Respectfully submitted,

Holly Murtiff
Deputy Clerk

03062023
A.1

Local Law No. 3 of 2023
A Local Law Amending Chapter 160 of the Code of
the *Village of Springville*
Enacting a Property Tax Exemption**
for Volunteer Firefighters and Ambulance Workers
Pursuant to Section 466-a of the Real Property Tax Law

Section 1.

A new Article IV of Chapter 160 of the Code of the *Village of Springville*, entitled "Volunteer Firefighters and Ambulance Workers Exemption," is hereby enacted pursuant to Real Property Tax Law Section 466-a, to read as follows:

Article IV
Volunteer Firefighters and Ambulance Workers Exemption

Grant of exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Village of Springville as long as eligibility requirements are met.

Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A.** The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B.** The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C.** The property is used exclusively for residential purposes;
- D.** The volunteer firefighter or volunteer ambulance worker resides in the [name of your municipality] and the [name of your municipality] is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E.** The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F.** The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by *Village of Springville*, which is hereby established as two years.

Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the *Village of Springville* on a form as prescribed by the New York State Commissioner of Taxation and Finance. The *Village of Springville* must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

Certification.

The *Board of Trustees* must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

[The following three provisions, relating to a lifetime exemption, an exemption for an un-remarried spouse of a volunteer killed in the line of duty, and an exemption for an un-remarried spouse of a deceased volunteer, are OPTIONAL provisions for the governing body to consider when enacting this local law.]

Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village of Springville.

Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

Section 2. If any clause, sentence, paragraph, section or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

Section 3. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

***** This local law may also be used by a municipality that had previously enacted such an exemption pursuant to a special act of the State Legislature to replace their existing local law, as required by Section 466-a(8) of the Real Property Tax Law. However, to do that you must include a section making it clear that you are repealing the old law and replacing it with this one.***

If you accept any employment or go into business while on a leave of absence from the Village, you will be considered to have voluntarily resigned from employment with the Village as of the day on which you began your leave of absence.

Insurance Premium Payment During Leaves of Absence

The Village of Springville will not continue to pay our share of insurance premiums for employee coverage and dependent coverage while you are on leave, unless such leave is a qualified leave under the FMLA. If the leave qualifies under FMLA, we will continue to pay our share of insurance premiums and you will be responsible for your share of the insurance premiums during the leave period. After the exhaustion of the 90 days of leave under FMLA, and you do not return to work you will be required to reimburse the Village for the cost of the insurance. If you do not return to work but have an approved extended leave of absence, you will be placed on COBRA and will need to pay the full insurance premium in order to remain insured. If you are not on FMLA, you will be responsible for paying the total premiums for your coverage and that of your dependents while on leave. Failure to do so might result in loss of coverage and possible refusal by the insurance carrier to allow your coverage to be reinstated.

Insurance Coverage

The following benefits described here do not cover all the details and employees' rights can only be determined by referring to the full text of the Village insurance plan documents. If any information given in this handbook is not consistent with the official plan documents, the provisions of the official documents will govern in all cases.

- Major medical and surgical coverage, dental care coverage, vision care coverage
- Medical health care coverage, dependents' health care coverage

When/if you choose insurance coverage, our insurance company provides a booklet describing your benefits; a copy of this will be given to you when you join the program.

The amount of employee contribution of the premiums for insurance coverage on you and your eligible dependents is reviewed annually by a committee comprised of two (2) union members, Deputy Clerk, one (1) Village Trustee and the Village Administrator.

In the event of your termination of employment with the Village or loss of eligibility to remain covered under our group health insurance program; you and your eligible dependents have the right to continued coverage under our health insurance program under COBRA for a certain period of time at your or their own expense. (This does not affect the conversion privilege as stated in the insurance policy.) COBRA election forms will be provided to you and you must elect coverage and pay the premiums due timely in order to continue coverage.

Disability Insurance

You are not protected through a short-term disability insurance policy from financial hardship if you are disabled because of illness or accident that is not job related. You must use accrued sick leave.

If you accept any employment or go into business while on a leave of absence from the Village, you will be considered to have voluntarily resigned from employment with the Village as of the day on which you began your leave of absence.

Insurance Premium Payment During Leaves of Absence

The Village of Springville will not continue to pay our share of insurance premiums for employee coverage and dependent coverage while you are on leave, unless such leave is a qualified leave under the FMLA. If the leave qualifies under FMLA, we will continue to pay our share of insurance premiums and you will be responsible for your share of the insurance premiums during the leave period. After the exhaustion of the 90 days of leave under FMLA, and you do not return to work you will be required to reimburse the Village for the cost of the insurance. If you do not return to work but have an approved extended leave of absence, you will be placed on COBRA and will need to pay the full insurance premium in order to remain insured. If you are not on FMLA, you will be responsible for paying the total premiums for your coverage and that of your dependents while on leave. Failure to do so might result in loss of coverage and possible refusal by the insurance carrier to allow your coverage to be reinstated.

Insurance Coverage

The following benefits described here do not cover all the details and employees' rights can only be determined by referring to the full text of the Village insurance plan documents. If any information given in this handbook is not consistent with the official plan documents, the provisions of the official documents will govern in all cases.

- Major medical and surgical coverage, dental care coverage, vision care coverage
- Medical health care coverage, dependents' health care coverage

When/if you choose insurance coverage, our insurance company provides a booklet describing your benefits; a copy of this will be given to you when you join the program.

The amount of employee contribution of the premiums for insurance coverage on you and your eligible dependents is reviewed annually by a committee comprised of two (2) union members, Deputy Clerk, one (1) Village Trustee and the Village Administrator.

Effective June 1, 2023 full time new hires will be responsible for paying fifteen (15) percent of their health and dental monthly premiums and high deductible costs. Part time employees are not eligible for health or dental coverage.

In the event of your termination of employment with the Village or loss of eligibility to remain covered under our group health insurance program; you and your eligible dependents have the right to continued coverage under our health insurance program under COBRA for a certain period of time at your or their own expense. (This does not affect the conversion privilege as stated in the insurance policy.) COBRA election forms will be provided to you and you must elect coverage and pay the premiums due timely in order to continue coverage.

Disability Insurance

Paid Leaves of Absence

Holidays

Only full-time employees are eligible for holiday pay. Part time dispatchers that work on any of the following six holidays – New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas Day – will be paid four (4) hours holiday pay in addition to their regular hourly rate for their shift. *Part time Police Officers that work on any of the following holidays or high coverage days: New Year’s Eve after 3pm, New Year’s Day, Memorial Day, July 4th, Labor Day, Halloween after 3 pm, Night before Thanksgiving after 3 pm, Thanksgiving and Christmas will be paid time and one half for all hours worked.*

Recognized Holidays

The following holidays are recognized by the Village of Springville as paid holidays and are subject to change at the beginning of each year:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans Day
Presidents' Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Christmas Eve ½ day
Labor Day	Employee's birthday

Holiday Policies

You may take time off to observe your religious holidays. If available, a full day of unused vacation day may be used for this purpose; otherwise the time off is without pay. You must notify your supervisor at least ten business days in advance.

We have scheduled all national holidays on the day designated by common business practice. If a holiday occurs during your scheduled vacation, you will receive an additional day of vacation.

In order to qualify for holiday pay, you must work the scheduled 8-hour workday immediately before and after the holiday. Only pre-approved absences will be considered exceptions to this policy.

You are not eligible to receive holiday pay when you are on a leave of absence.

Vacations

Vacation is a time for you to rest, relax, and pursue special interests. The Village of Springville has provided paid vacation as one of the many ways in which we show our appreciation for your loyalty and continued service.

Paid Leaves of Absence

Holidays

Only full-time employees are eligible for holiday pay. Part time dispatchers that work on any of the following six holidays – New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas Day – will be paid four (4) hours holiday pay in addition to their regular hourly rate for their shift. *Part time Police Officers that work on any of the following holidays or high coverage days: New Year’s Eve after 3pm, New Year’s Day, Memorial Day, July 4th, Labor Day, Halloween after 3 pm, Night before Thanksgiving after 3 pm, Thanksgiving and Christmas will be paid time and one half for all hours worked.*

Recognized Holidays

The following holidays are recognized by the Village of Springville as paid holidays and are subject to change at the beginning of each year:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans Day
Presidents’ Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Christmas Eve ½ day
Labor Day	Employee's birthday

Effective June 1, 2023 – Add Juneteenth & New Years Eve ½ day, Employee’s birthday is moved to Vacation time.

Holiday Policies

You may take time off to observe your religious holidays. If available, a full day of unused vacation day may be used for this purpose; otherwise the time off is without pay. You must notify your supervisor at least ten business days in advance.

We have scheduled all national holidays on the day designated by common business practice. If a holiday occurs during your scheduled vacation, you will receive an additional day of vacation.

In order to qualify for holiday pay, you must work the scheduled 8-hour workday immediately before and after the holiday. Only pre-approved absences will be considered exceptions to this policy.

You are not eligible to receive holiday pay when you are on a leave of absence.

Vacations

In a continued effort to discourage unwarranted use of sick leave, the Village agrees that at the sole discretion of the Village based on the success of the program to award those employees who use four (4) or fewer sick days annually the sum of two hundred fifty (\$250) dollars. This practice as with all other policies can be changed at any time, with or without notice. This payment will be made on the first payroll in June.

Transitional Duty Program

Primarily this program will facilitate employee recovery from a work related injury. Also, this program may facilitate employee recovery from an illness or injury not related to work. Therefore, in an effort to improve operational efficiency of the Village, a Transitional Duty Program is hereby established.

Definition. A Transitional Duty Program is a return-to-work program designed to return the injured employee to the work place as soon as medically reasonable to do so. An employee recovering from a work related injury or a non-work related injury or illness transitions back to his or her regular job and responsibilities. These Transitional Duties reduce the amount of time the employee is out of work. These duties are not intended to force employees back on the job before they have recovered or completed rehabilitation programs.

Purposes of Transitional Duty.

1. Accelerate recovery of full performance duties
2. Improved employee morale; employees receiving continuous medical rehab feel positive about their contributions at work
3. Employee productivity is enhanced while injured employees are recovering from their disability
4. Reduction in Workers Compensation indemnity costs
5. Reduction in Workers Compensation medical costs
6. Compliance with American Disabilities Act (ADA)

On a case-by-case basis, the Transitional Duty Program covers employees who sustain a work related disabling injury subject to the following guidelines. The Transitional Duty Program may also apply voluntarily to employees who sustain a non-work related injury or illness:

1. The disability must be a temporary condition, and employee must have Transitional Duty capacity as determined by his or her treating physician.
2. The treating physician may recommend such employee a Transitional Duty assignment(s) consistent with his or her physical abilities and any limitations imposed.
3. The Division head will independently evaluate each case weekly for progress.
4. The Transitional Duty Assignment will not last more than 60 work days.
5. Transitional Duties will be assigned first to employees who have sustained a work related injury, and then, if there are still Transitional Duties available, to employees who have sustained an injury or illness from a non-job related activity.

In a continued effort to discourage unwarranted use of sick leave, the Village agrees that at the sole discretion of the Village based on the success of the program to award those employees who use four (4) or fewer sick days annually the sum of **four hundred (\$400) dollars**. This practice as with all other policies can be changed at any time, with or without notice. This payment will be made on the first payroll in June.

Transitional Duty Program

Primarily this program will facilitate employee recovery from a work related injury. Also, this program may facilitate employee recovery from an illness or injury not related to work. Therefore, in an effort to improve operational efficiency of the Village, a Transitional Duty Program is hereby established.

Definition. A Transitional Duty Program is a return-to-work program designed to return the injured employee to the work place as soon as medically reasonable to do so. An employee recovering from a work related injury or a non-work related injury or illness transitions back to his or her regular job and responsibilities. These Transitional Duties reduce the amount of time the employee is out of work. These duties are not intended to force employees back on the job before they have recovered or completed rehabilitation programs.

Purposes of Transitional Duty.

1. Accelerate recovery of full performance duties
2. Improved employee morale; employees receiving continuous medical rehab feel positive about their contributions at work
3. Employee productivity is enhanced while injured employees are recovering from their disability
4. Reduction in Workers Compensation indemnity costs
5. Reduction in Workers Compensation medical costs
6. Compliance with American Disabilities Act (ADA)

On a case-by-case basis, the Transitional Duty Program covers employees who sustain a work related disabling injury subject to the following guidelines. The Transitional Duty Program may also apply voluntarily to employees who sustain a non-work related injury or illness:

1. The disability must be a temporary condition, and employee must have Transitional Duty capacity as determined by his or her treating physician.
2. The treating physician may recommend such employee a Transitional Duty assignment(s) consistent with his or her physical abilities and any limitations imposed.
3. The Division head will independently evaluate each case weekly for progress.
4. The Transitional Duty Assignment will not last more than 60 work days.
5. Transitional Duties will be assigned first to employees who have sustained a work related injury, and then, if there are still Transitional Duties available, to employees who have sustained an injury or illness from a non-job related activity.

regularly scheduled payrolls for full-time employees in increments not to exceed ten (10) days on any payroll at employee's regular rate of pay.

In the event the Sick Leave Bank is discontinued, any remaining time in the Sick Leave Bank will be equally divided among the participants and credited to their individual sick leave accumulations.

No participant shall be entitled to accumulate sick leave time while being paid from the Sick Leave Bank.

Funeral (Bereavement) Leave

Death in the immediate family entitles you to take up to three (3) workdays between the death and the funeral, with pay, to attend the funeral and take care of personal matters related to the death of a member of your immediate family. Immediate family shall be the following: current spouse, child, parents, employee's grandparents, grandchild, brother, sister, current step-parent, current parent-in-law, current grandparent-in-law and current step-child. One (1) day of paid funeral leave may be taken in the case of death of a brother-in-law, sister-in-law, uncle, aunt, niece, nephew and fellow employees in order to attend the funeral.

Under no circumstances can sick time be used.

Pay for a funeral leave will be made for actual time lost from work. If the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of your vacation occurs on any of the days of absence, you may not receive holiday or vacation pay in addition to paid funeral leave.

An excused absence for family death may not be retroactive, postponed, or split.

Personal Leave

All permanently appointed employees are entitled to three (3) personal leave days each year. Personal leave may be used in hourly increments if approved by either the Administrator or the Division Superintendent. Personal leave may not be used the day before or after a holiday.

Jury Duty

It is your civic duty as a citizen to report for jury duty whenever called. If you are called for jury duty, the Village will permit you to take the necessary time off and wishes to help you avoid any financial loss because of such service. If you are a full-time employee and have completed your probation period, you will be given leave of absence with pay for working time lost when called to serve on jury duty. You will be paid at your regular rate for all working time lost up to forty (40) hours per week. In consideration of receiving your regular pay, you shall apply to the Village Board for all other remuneration for jury duty during the same period.

You must notify your supervisor within forty-eight (48) hours of receipt of the jury summons.

On any day or half-day you are not required to serve, you will be expected to return to work. In order to receive jury duty pay, you must present a statement of jury service and pay to your supervisor. This document is issued by the court.

regularly scheduled payrolls for full-time employees in increments not to exceed ten (10) days on any payroll at employee's regular rate of pay.

In the event the Sick Leave Bank is discontinued, any remaining time in the Sick Leave Bank will be equally divided among the participants and credited to their individual sick leave accumulations.

No participant shall be entitled to accumulate sick leave time while being paid from the Sick Leave Bank.

Funeral (Bereavement) Leave

Death in the immediate family entitles you to take up to **five (5) workdays** between the death and the funeral, with pay, to attend the funeral and take care of personal matters related to the death of a member of your immediate family. Immediate family shall be the following: current spouse **or domestic partner**, child, parents, employee's grandparents, grandchild, brother, sister, current step-parent, current parent-in-law, current grandparent-in-law and current step-child. **Two (2) day** of paid funeral leave may be taken in the case of death of a brother-in-law, sister-in-law, uncle, aunt, niece, nephew and fellow employees in order to attend the funeral.

Under no circumstances can sick time be used.

Pay for a funeral leave will be made for actual time lost from work. If the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of your vacation occurs on any of the days of absence, you may not receive holiday or vacation pay in addition to paid funeral leave.

An excused absence for family death may not be retroactive, postponed, or split.

Personal Leave

All permanently appointed employees are entitled to three (3) personal leave days each year. Personal leave may be used in hourly increments if approved by either the Administrator or the Division Superintendent. Personal leave may not be used the day before or after a holiday.

Jury Duty

It is your civic duty as a citizen to report for jury duty whenever called. If you are called for jury duty, the Village will permit you to take the necessary time off and wishes to help you avoid any financial loss because of such service. If you are a full-time employee and have completed your probation period, you will be given leave of absence with pay for working time lost when called to serve on jury duty. You will be paid at your regular rate for all working time lost up to forty (40) hours per week. In consideration of receiving your regular pay, you shall apply to the Village Board for all other remuneration for jury duty during the same period.

You must notify your supervisor within forty-eight (48) hours of receipt of the jury summons.

On any day or half-day you are not required to serve, you will be expected to return to work. In order to receive jury duty pay, you must present a statement of jury service and pay to your supervisor. This document is issued by the court.

**TR-1
RECRUITMENT**

03062023
A.3

A. Policy

1. It is the policy of the Village of Springville Police Department to recruit and select candidates for the position of police officer according to New York State Department of Criminal Justice Standards, Village law, and to afford equal employment opportunity to all eligible candidates.
2. To be eligible for appointment, candidates must meet the prescribed standards set forth by the New York State Bureau for Municipal Police, be employed full-time by a full-time police agency or recently retired from a full-time agency/still accredited and must have successfully passed a minimum of a one-year probationary period at that full-time agency. This section does not preclude the reappointment of Springville Police Officers who must resign from this Department in order to process their full-time police pension benefits.
3. The Village of Springville Police Department recognizes that the level of competence and integrity of newly appointed officers will determine that status of police leadership and the quality of service to the community well into the future. The selection of competent officers is the most essential of administrative duties. Neither expense nor effort should be spared in selecting only the most qualified candidates. To that end, the following procedures will apply:

B. Civil Service Requirements:

1. All candidates for entry level position as a police officer are required to pass a written examination as prescribed by the New York State Civil Service Commission (police officers accredited and working full time in New York State).

C. Initial Administrative Process

1. The Officer in Charge is responsible for the planning process to determine the number of police officer vacancies to be filled. This number is based on projected vacancies resulting from new positions, retirements, promotions, resignations, etc.
2. To avoid actual vacancies from impacting the effective strength of the department, the Officer in Charge will maintain resumes of potential police officer candidates. In most instances the Officer in Charge is aware of prospective applicant abilities and professional reputation. Uniquely qualifying the OIC to recommend a hiring based on his/her knowledge of the applicant and the job at hand. In most cases, the hiring of Officers is completed on the recommendation of the OIC to the board, unless the Mayor or Village Administrator wish to participate in the formal interview process.
3. The number of candidates to be initially interviewed, will be determined by the number of positions available.
4. Candidates are notified of the interview process, if interview format utilized, and application information is mailed to each applicant. This information must be completed and returned to the department by the date specified.

D. Preliminary Screening

1. Oral interviews
 - a. The Mayor, Village Administrator and or Officer in Charge will interview all applicants.
 - b. Each applicant will be asked a set of uniform questions.
 - c. The OIC or interview committee will evaluate the applicant's responses to the questions.
 - d. The OIC or interview committee then ranks each candidate based on the results of the interviews.
 - e. An initial preference list of candidates is then submitted to the Officer in Charge for his approval to begin background investigations as required by New York State law.
2. Conditional offer of employment
 - a. Names of candidates shall be submitted to the Village Board for approval/conditional approval.

- b. Candidates selected and notified of conditional offer of employment.
- 3. Physical Examinations
 - a. All candidates must pass a physical exam pursuant to the standards prescribed by the Village of Springville/NYCRR 6000.4.
 - b. All candidates may be subject to a drug testing both prior to and during their employment.
 - c. Physical fitness screening pursuant to NYCRR part 6000.8.
- 4. Background Investigation
 - a. The Officer in Charge will conduct a background investigation of each candidate as required by New York State law.
 - (i) Informational package consisting of written instructions and checklist of tasks is provided to each individual who conducts such investigations.
- 5. Psychological/Polygraph Testing
 - a. All Police Officer candidates and Village Police Officers may be required to undergo Psychological testing pursuant to NYS law/village policy. If selected, candidates shall be evaluated by a qualified psychologist to assist in determining if they possess a level of emotional stability and psychological fitness compatible with the position of police officer pursuant to NYCRR Part 6000.11. In accordance with NYS hiring standards, this requirement can be waived if officer is already certified by the police council.
 - b. All candidates must pass a polygraph exam if requested and subsequent to employment may be asked to consent to a Polygraph.
- E. Appointment
 - 1. All appointments to the Village of Springville Police Department are at the will of the Village Board. The Village Board reserves the right to hire and terminate employees who fail to meet the high standards expected of Village employees.
- F. Maintenance of Records
 - 1. All records will be maintained by the Village of Springville Police as determined in the NY State Record Retention and Disposition Schedule

AD-37

DISCIPLINE

A. Village of Springville Police Department Discipline Policy

Public trust is formed when the community entrusts the Police Department to provide service, protection, and law and order. Any responsibility delegated to any member of the Department carries with it the implicit authority to fulfill that responsibility. Each member is accountable for the use of delegated authority. The authority to deprive persons of their liberty, serve search and arrest warrants, and investigate a person's activities can be abused. The public trusts its police department to operate within the law. All public employees have a duty to serve the public well.

B. The Purpose of Discipline

A police agency must employ an open, effective, and efficient philosophy of discipline. Three factors form the first of two triads that managers must balance to maintain an effective disciplinary system: public trust, the police agency, and the police employee. All employees must be informed, trained, and oriented in the system in order to be accountable to the agency. Positive reinforcement should be employed to the greatest extent possible. The individual who wills to do the right thing, in the right way, receives the greatest reward. Self discipline generates the positive benefits associated with being a member of a professional group: pride, esprit de corps, and high morale.

The vast majority of employees abide by law, policy, procedure, and rule. Most employees will follow the rules when given a clear set of expectations. The nature of police work involves the application of discretionary judgments, accumulated expertise, and the use of guiding values to solve a variety of problems. Police work is not conducive to the formation of a comprehensive list of permissible and prohibited acts. Managers and supervisors must recognize that training, education, conduct, rewards, and punishments are interrelated and not separate elements.

The public's trust is impacted, however slightly; each time a manager adjudicates a complaint investigation or finds that an employee's conduct did not conform to law, policy, procedure, or rule. When an allegation of misconduct is sustained by the Police Department, corrective or disciplinary action imposed serves three purposes:

- 1) To modify the employee's conduct.
- 2) To set expectations for other employees.
- 3) To assure the public that the Department strives to maintain the public trust by holding employees accountable.

Supervisory personnel are accountable for the activities of employees under their immediate control. In many cases, the supervisor can convert a negative occurrence into a positive action by using the situation as a training vehicle or exercise. By comparing what the individual did that was less than acceptable with what should have been done, the supervisor is achieving several goals:

1. The supervisor fulfills the responsibility to detect errors by subordinates.

2. The supervisor brings the conduct to the attention of the subordinate and reinforces the subordinate's awareness that the supervisor cares about how the subordinate performs.
3. The supervisor compares proper and improper methods and techniques and imparts to the subordinate the right way to perform. It is better to prevent unprofessional conduct than to deal with it after the fact. Managers and supervisors must ensure that values and expectations are reinforced and discussed on a daily basis. Managers must ensure that their subordinate supervisors are reiterating the organization's philosophy, values, and expectations. Conducting periodic discussions regarding the disciplinary process can be valuable in helping to alleviate employees' anxiety.

C. Fairness and Consistency

Fairness, consistency, and clear expectations form the second triad of an effective discipline system. Employees will understand discipline when it is imposed fairly and consistently. However, employees may incorrectly equate fairness and consistency as synonymous; they are not.

- 1) Consistency within a discipline system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable for all, regardless of rank, status, or tenure.
- 2) Fairness within a discipline system means understanding the myriad of circumstances that contributed to the misconduct. Thus, disciplinary penalties for various infractions are expressed as ranges so that mitigating factors can be given appropriate consideration.

D. Discipline Philosophy

The effectiveness of the discipline system is dependent on the Officer in Charge's ability to balance the triad of expectation, fairness, and consistency with the triad of public trust, police agency, and police employee. An important objective of any discipline system is to make the corrective or disciplinary action fit the conduct. This requires the review of five factors: motivation, damage, knowledge, intent, and history during the penalty assessment phase of the discipline system. Speed and certainty of punishment are critical features for negative consequences to have any beneficial effect as deterrence. The Officer in Charge must ensure that the discipline process proceeds in a timely manner. Proper case management from investigation to adjudication is important. Administering discipline must be accompanied by frequent discussion of values and principles to help employees understand what they are and what they represent.

The Officer in Charge (OIC) shall initiate action in response to the acts of commission or omission of police personnel and shall refer such action to the Village Board for its review, recommendation and/or disposition.

The OIC, subject to the Village Board's review, recommendation and/or disposition shall initiate the following corrective measures to fulfill his/her responsibility of assuring

compliance with department rules, regulations, policies and procedures. In all cases, the OIC is required to instruct the subordinate on how to correct the noted deficiencies. Nothing established herein should preclude the OIC from regularly instructing officers on their performance.

- 1) Warning. The OIC may advise a subordinate on a minor violation of procedure either verbally or in writing.
- 2) Letter of Counsel. A letter of counsel is a means by which the OIC formally informs a subordinate of proper procedures to follow. The letter is made a part of the employee's personnel file.
- 3) Letter of Reprimand. A letter of reprimand is a means by which the OIC formally notifies a subordinate that he has violated a policy, procedure, rule or regulation of the Department. A letter of reprimand is a disciplinary procedure and therefore requires Village Board approval.

E. Reporting Misconduct

The Officer in Charge shall report all instances of alleged misconduct to other agencies such as the District Attorney's Office, State Police and the NYS Attorney General's Law Enforcement Misconduct Investigative Office as required per paragraph (a), (b), (c) of subdivision 5 of section 75 of the Executive Law. While not currently a legal requirement to involve the District Attorney's Office or State Police, the Village of Springville recognizes the need for a professional outside investigation by impartial parties for both the member involved and the public at large.

Additionally, the Officer in Charge shall submit the requisite forms and/or information pertaining to the Central State registry of Police Officers and Peace Officers pursuant to 6056.4 subdivisions (a), (b), (c) and (d) and 6056.5.

INTERNAL AFFAIRS / CITIZEN COMPLAINTS

A. The following policy has been implemented to protect the integrity and reputation of the police force, protect the public interest, and protect this department and its members from unjust accusations.

1. The Village of Springville Police Department will investigate all complaints concerning employee misconduct or breach of duty.
2. Complaints may be generated internally or externally, and may be criminal or non-criminal in nature. Complaints will be investigated in a forthright, professional and timely manner. The action taken, based upon the findings of those investigations, will be in the best interest of the department and the community it serves.
3. The Officer in Charge (OIC) or his designee will investigate personnel complaints filed with the department.
4. Complaints made against the Officer in Charge will be investigated by the Village board or designated representative.

B. Procedure

1. Citizen complaints received by this department, whether originating in person or by phone, will be directed to the Officer in Charge, who will follow the following procedure:
 - a. Take the complaint in private (no other department personnel present), regardless if it was received in person or by telephone.
 - b. Have the citizen complete the Police Department Commendation/Complaint Form. The OIC will assist the citizen in completing this form if necessary. If the citizen does not wish to make a formal written complaint this form is not necessary. However in all cases, including anonymous complaints, the complaint will be thoroughly investigated.
 - c. In all cases, the OIC at the conclusion of his/her investigation is to complete a report documenting the allegations and investigative findings.
2. The following steps will be taken if the complaint alleges potential criminal activity:
 - a. Arrange to take a statement.
 - b. Complete a police report.
3. Have the complainant sign the complaint form or the statement. If they refuse to sign, or if the complaint is made by telephone, make a note of the fact at the bottom.
4. If the complainant requests a copy of the complaint form, give a copy to the complainant. A copy of the statement also may be given if requested.
5. Advise the complainant that the report will be turned over to the Officer in Charge for investigation. Also inform the complainant that they will be notified of the results.
6. The OIC will make a blotter entry that states the complainant's name, address and that the complaint is a citizen complaint.
7. All paperwork concerning the complaint will be forwarded to the OIC or his designee without delay. At the conclusion of the investigation the OIC will complete a report documenting the incident.

C. Complaint Investigation

1. The responsibility for the investigation of criminal complaints against an employee lies with the Officer in Charge or designee. The OIC or designee will coordinate the investigation of any non-criminal misconduct of an employee involving or related to the criminal complaint. The OIC or designee will notify and coordinate with the District Attorney's Office, State Police in the investigation of the alleged criminal conduct. The Officer in Charge shall also report to the NYS Attorney General's Law Enforcement Misconduct Investigative Office as required per paragraph (a), (b), (c) of subdivision 5 of section 75 of the Executive Law. While not currently a legal requirement to involve the District Attorney's Office or State Police, the Village of Springville recognizes the need for a professional outside investigation by impartial parties for both the member involved and the public at large.

Additionally, the Officer in Charge shall submit the requisite forms and/or information pertaining to the Central State registry of Police Officers and Peace Officers pursuant to 6056.4 subdivisions (a), (b), (c) and (d) and 6056.5.

2. The responsibility for the investigation of non-criminal complaints lies with the Officer in Charge or his designee.

D. Complaint Adjudication

1. The final authority and responsibility regarding the result of an investigation and any resulting actions rests with the Officer in Charge.
2. A complaint may be adjudicated by the following categories:
 - a. Unfounded - if the allegation is false or not factual.
 - b. Exonerated - the incident occurred, but was lawful and proper.
 - c. Not sustained - there is insufficient evidence to prove or disprove the complaint.
 - d. Sustained- the alleged misconduct appears to be based on fact.
3. Upon adjudication of the complaint, the Officer in Charge shall make recommendation to the village board which holds the final authority and responsibility for the determination of disciplinary action.

E. Document Storage

1. The Officer in Charge or his designee shall keep and maintain a separate and locked file for the storage of records pertaining to any officer complaint investigation.
2. The incident will be assigned a case number.

F. Complaint Notification

1. Upon adjudication of a citizen-generated complaint, the complainant will be notified about the results of the investigation.
2. The decision to divulge disciplinary action will be at the discretion of the Officer in Charge.

**VILLAGE OF SPRINGVILLE
POLICE DEPARTMENT**

Police Department Commendation/Complaint Form

This form is to be completed by any citizen who wishes to make a complaint against a police officer or commend an officer for outstanding performance. The completed form should be dropped off at the police station or mailed to Village of Springville Police Department Attn: Officer in Charge, 5 West Main Street PO BOX 17 Springville, NY 14141, or e-mailed to the Officer in Charge (nbudney@villageofspringvilleny.com).

Person making commendation or complaint

Name:	Date of Birth:	Sex:
Home Address:		
Home Phone:	Work Phone:	Cell Phone:
Incident Case Number(If possible):	Incident Date/Time:	
Incident Location:		
Date:	Time:	Location:

Officer(s) Involved

Name:	Badge #:	Race:	Sex:
Name:	Badge #:	Race:	Sex:
Name:	Badge #:	Race:	Sex:

Witnesses

Name:	Phone:
Address:	
Name:	Phone:
Address:	
Name:	Phone:
Address:	

Details of Incident

Continue on reverse

