

**In reference to the Code of Ethics form you signed in your summer employment packet. The following documents are for your review.**

**You do not need to return any of them to us**

Code of Ethics

Personnel Policies

HealthCare Exchange Notice



## ARTICLE V. - CODE OF ETHICS <sup>[65]</sup>

REVISED 9/6/2011

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### **Sec. 2-5-106. - Purpose, intent, etc.**

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

(L.L. No. 3-1999, § 2, 12-6-99)

### **Sec. 2-5-107. - Definitions.**

As used in this article, the following terms shall mean as indicated below:

- (a) *Interest*: A pecuniary or material benefit accruing to a municipal officer or employee, or a pecuniary or material benefit accruing to:
- (1) The municipal officer's or employee's spouse, minor children and dependents;
  - (2) A firm, partnership or association of which such officer or employee is a member or employee;
  - (3) A corporation of which such officer or employee is an officer, director or employee; and
  - (4) A corporation any stock of which is accrued or controlled directly or indirectly by such officer or employee.

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(b) *Municipal officer or employee:* An officer or employee of the city, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter, civil defense volunteer, or auxiliary police.

(c) *Social Hospitality:* Nominal expenses and inexpensive tokens that are generally regarded by custom and sound ethical practice to constitute appropriate forms of expressing friendship or good will.

(d) *Relative:* A spouse, domestic partner, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the municipal officer or employee.

(L.L. No. 3-1999, § 2, 12-6-99, as amended, L.L. No. 3-2011, § 1, 09-06-11 )

State law reference— Similar provisions, General Municipal Law, § 800.

**Sec. 2-5-108. - Distribution of article.**

The mayor shall cause a copy of the article to be distributed to every officer and employee of the City of White Plains and, thereafter, to each officer and employee, elected or appointed, before entering upon the duties of his or her office or employment. Each recipient shall sign a certificate acknowledging their receipt which certificate will be filed with the city clerk.

(L.L. No. 3-1999, § 2, 12-6-99)

State law reference— Posting of state code of ethics, General Municipal Law, § 807.

**Sec. 2-5-109. - Standards of conduct.**

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

(a) *Gifts.*

(1) No officer or employee of the City of White Plains shall directly or indirectly solicit any gift.

(2) No officer or employee of the City of White Plains shall accept or receive any gift or series of gifts, in any form whatsoever, from any person, firm, corporation or other entity which to his or her knowledge is doing business with the City of White Plains, and under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part. The foregoing limitation shall not apply to campaign contributions not otherwise prohibited by law.

(3) The term "gift" within the meaning of this local law does not include any of the following, which although they may benefit individual officers or employees, are deemed to be primarily public benefits rather than personal benefits:

(i) Admission to philanthropic events, provided directly from the event's beneficiary, regardless of value, to which officers or employees are invited in their official,

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representative capacity as public servants;

(ii) Awards publicly presented in recognition of public service, acts of heroism or for solving crimes;

(iii) Plaques or other commemorative tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;

(iv) Anything of value, regardless of the value, when the thing is offered to the City of White Plains, is accepted on behalf of the City of White Plains, and is to remain the property of the City of White Plains;

(v) Meals received when an officer or employee serves as a participant or speaker in a job-related professional or educational program and meals are made available to all participants;

(vi) Modest items of food and refreshment, (such as soft drinks, coffee, tea and doughnuts), offered other than as part of a meal;

(vii) Unsolicited advertising or promotional material of little intrinsic value.

(4) The term "gift" within the meaning of this local law also does not include forms of "social hospitality", a term as defined in section 2-5-107(c) and should not be deemed to be a personal benefit. Such forms of "social hospitality" may include, but are not limited to the following terms:

(i) Social hospitality for a purpose unrelated to the official business of the City of White Plains;

(ii) Reasonable and customary social gatherings and presents having nominal value given for special occasions; and

(iii) Gifts given to an officer or employee based on a family or personal relationship with the officer or employee when circumstances make it clear that it is the familial or personal relationship rather than the recipient's office or position that is the primary motivating factor.

(b) *Confidential information.* An officer or employee shall not disclose confidential information acquired in the course of official duties or use such information to further his or her personal interest.

(c) *Representation before one's own agency.* An officer or employee shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which such officer or employee is an officer, member or employee or of any municipal agency over which such officer or employee has jurisdiction or to which such officer or employee has the power to appoint any member, officer or employee.

(d) *Representation before any other agency for a contingent fee.* An officer or employee shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any other agency of the City of White Plains, whereby the compensation for an officer or employee is to be dependent or contingent upon any action by such other agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

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(e) *Disclosure of interest in legislation.* To the extent that an officer or employee knows thereof, a member of the common council and any officer or employee of the City of White Plains, whether paid or unpaid, who participates in the discussion or gives an official opinion to the common council on any legislation before the common council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest such officer or employee has in such legislation. For the purposes of this subsection only, "interest" shall include the officer or employee's immediate family, including parents, siblings and adult children.

(f) *Investments in conflict with official duties.* An officer or employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.

(g) *Private employment.* An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of such officer's or employees official duties.

(h) *Future employment.* An officer or employee shall not, after the termination of employment or service with the City of White Plains, appear before any board or agency of the City of White Plains in relation to any case, proceeding or application in which such officer or employee personally participated during the period of his or her service or employment or which was under his or her active consideration.

(i) *Political conflict of interest.* He or she shall not as an elected or appointed and salaried officer of the City of White Plains, or a person appointed to fill out the unexpired term of an elected official, or a member of the planning board, board of appeals, board of assessment review, or board of ethics, other than as an election officer, and he or she shall not as an employee in the exempt position of the civil service, while so serving or employed, be an officer or member of a political committee, or be an officer of a political party (excluding a district leader), political club, or similar organization.

(j) *Nepotism:* Except as otherwise required by law (and whenever recusal is not an option):

(1) No officer or employee, either individually or as a member of a board, commission or agency may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for, or within the City of White Plains government or a City of White Plains board, commission or agency.

(2) No officer or employee may supervise a relative in the performance of the relative's official powers or duties unless such supervisory role has been disclosed to the Personnel Committee of the Common Council.

(L.L. No. 3-1999, § 2, 12-6-99, as amended, L.L. No. 3-2011, § 2, 09-06-11)

Charter reference— City officers and employees not to be interested in contracts, § 29.

State law reference— Similar provisions; General Municipal Law, § 805-a; conflicts of interest prohibited, General Municipal Law, § 801.

**Sec. 2-5-110. - Board of ethics.**

(a) There is hereby appointed a board of ethics consisting of five (5) members to be appointed by, and

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serve at the pleasure of the common council of the City of White Plains, all of whom shall reside in the City of White Plains. A majority of such members shall be persons other than officers or employees of the City of White Plains, but there shall be at least one (1) member who is an elected or appointed officer or employee of the City of White Plains. The city corporation counsel shall be a member ex-officio of such board or a city attorney designated by the corporation counsel shall be a member ex-officio of such board without the power to vote. The members of such board shall receive no salary or compensation for their services as members of such board and shall serve for terms of three (3) years each with the initial appointments being one (1) member for a term of one (1) year, two (2) members for terms of two (2) years, and two (2) members for terms of three (3) years. Any vacancy shall be filled in the same manner in which the original appointment was made and shall be made for the balance of the unexpired term. Such board shall not be constituted so that more than two (2) members shall belong to the same political party. The board of ethics each year shall elect from its membership its chairperson and secretary and upon its formation shall promulgate its own rules and regulations as to its forms and procedures and maintain proper records of its opinions and proceedings, for which expenses it shall be reimbursed by the City of White Plains for actual and necessary expenses incurred in the performance of its duties. Any member currently serving on the board of ethics prior to the effective date of this local law shall remain in his or her office until the expiration of his or her term of office.

(b) The board of ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to officers and employees of the City of White Plains with respect to Article 18 of the General Municipal Law and any code of ethics adopted pursuant to such article under such rules and regulations as the board of ethics may prescribe. The advisory opinions are to be on ethics-related matters involving prospective conduct and may be requested only by the individual officer or employee whose conduct may be called into question. In addition to the aforementioned, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon request of the common council.

(c) An officer or employee whose conduct or action is the subject of the advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The board of ethics may amend a previously issued opinion after giving reasonable notice to the officer or employee that it is reconsidering its opinion; provided that such amended advisory opinion shall apply only to future conduct or action of the officer or employee.

(d) All agencies of the City of White Plains and all officers, employees and agency members shall furnish to the board of ethics such data, information and statements as may in the opinion of the board be necessary for the necessary for the proper exercise of its functions, powers and duties as set forth in section 808 of the General Municipal Code.

(L.L. No. 3-1999, § 2, 12-6-99)

State law reference— Board of ethics authorized, General Municipal Law, § 808.

**Sec. 2-5-111. - Additional powers of the board of ethics of the City of White Plains.**

(a) *Receipt and investigation of complaints.*

(1) In addition to the other powers and duties granted to the board of ethics, the board shall have the authority to receive from any person a written complaint questioning the compliance by any city officer or employee with the provisions of this article. The board of ethics may prescribe a form for such complaint.

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- (2) The written complaint must be signed, must include the individual complainant's address, and set forth in reasonable detail and documentation, if any, the facts alleged to constitute the violation(s).
- (3) The written complaint shall be filed with the board of ethics. Upon receipt of said complaint, but in no event no later than five (5) business days after receipt, the board of ethics shall acknowledge receipt to the complainant and forward the complaint simultaneously to the officer or employee who is the subject of the complaint and the corporation counsel.
- (4) The board of ethics may on its own motion conduct an inquiry of an officer or employee's alleged non-compliance with provisions of this article upon receipt of substantial, reliable evidence, including, but not limited to, documents, written materials, or other forms of proof. In the event that the board of ethics should consider in its discretion to conduct such an inquiry, a two-thirds vote of the total voting membership of said board is required to initiate an inquiry.
- (5) The board of ethics shall then conduct a preliminary written analysis of a complaint no later than thirty (30) days from the date the complaint is received. In the event that the board of ethics should find no probable cause for the complaint, the complaint shall be dismissed by the board of ethics sua sponte. Within three (3) business days thereof, the board of ethics shall then notify the complainant, the officer or employee who is the subject of the complaint and the corporation counsel of the disposition of the complaint.
- (6) In the event that the board of ethics should find probable cause for the complaint, the board of ethics shall forward to the corporation counsel a copy of its written preliminary analysis together with any information and documentation acquired by the board of ethics regarding the complaint. The officer or employee and complainant shall be notified by the board of ethics that the complaint has been forwarded to the corporation counsel for further action and investigation in accordance with the provisions of this article.
- (7) The corporation counsel shall render a written analysis of the complaint within fifteen (15) days of receipt from the board of ethics. In the event that the subject of the complaint is the mayor, the corporation counsel shall request special counsel to be appointed by the common council. Reasonable attorney's fees, costs and disbursements necessary to undertake action on the complaint and assist the board of ethics in any hearing pertaining to the complaint shall be an expense to the city. In the event that the subject of the complaint is the office of the corporation counsel, the board of ethics shall request special counsel to be appointed by the common council. Reasonable attorney's fees, costs and disbursements necessary to undertake action on the complaint and assist the board of ethics in any hearing pertaining to the complaint shall be an expense to the city.
- (8) Upon receipt of the corporation counsel's or special counsel's analysis, as the case may be, the board of ethics shall proceed to conduct a full investigation of the complaint, including interviewing the officer or employee who is the subject of the complaint, and any necessary witnesses and requesting documents and other pertinent materials.
- (9) Upon the request of a majority vote of the total voting membership of the board of ethics, the corporation counsel may issue subpoenas to compel the attendance of necessary witnesses and the production of documents and other materials pertinent to the investigation. The corporation counsel must state a specific and articulable reason(s) for denying any request by the board of ethics for the issuance of a subpoena(s).



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(10) In the event that the corporation counsel should refuse to issue a subpoena(s), the board of ethics may override the corporation counsel's determination and the corporation counsel shall issue subpoena(s) upon a two-thirds vote of the total voting membership of the board of ethics.

(11) The officer or employee who is the subject of the complaint has the right to be represented by counsel at any required appearance before the board of ethics.

(12) A copy of the transcript of the testimony provided by the officer or employee who is the subject of the complaint shall be provided at no cost to the officer or employee.

(13) The board of ethics may require a written response from the officer or employee who is the subject of the complaint in lieu of an appearance before the board of ethics.

(14) After a complaint has been filed and prior to any investigation undertaken of a complaint before the board of ethics, no member of the board of ethics or any of the board's authorized agents may communicate directly or indirectly with any party or other person about any issue of fact or law regarding the complaint, except that:

- a. The members of the board of ethics may obtain legal advice from the corporation counsel or special counsel as the case may be; and
- b. The members of the board of ethics may discuss the complaint among themselves;
- c. The complaint, records and other proceedings related thereto prior to the filing of charges or dismissal of the complaint are deemed confidential.

If any person attempts to influence a board of ethics member regarding the pending complaint, the board member shall report the substance of the communication to the board of ethics at the next regular meeting of the board of ethics.

(L.L. No. 3-1999, § 2, 12-6-99)

**Sec. 2-5-112. - Board of ethics actions.**

(a) Upon a full investigation, the board of ethics may take any action or combination of actions which it deems appropriate and which it is lawfully empowered to take, including, but not limited to the following:

- (1) Dismiss the complaint based on a variety of grounds, including but limited to:
  - (i) The complaint does not allege facts sufficient to constitute a violation of this article;
  - (ii) The board of ethics has no jurisdiction over the matter;
  - (iii) Failure of the complainant to cooperate in the board of ethics' review and consideration of the complaint;
  - (iv) The complaint is defective in a manner which results in the board of ethics being unable to make any sound determination; or
- (2) Determine that no violation of this article has occurred; or
- (3) Determine that the complaint alleges facts sufficient to constitute a violation of this article and that the board of ethics will conduct a hearing, in which case, the board of ethics shall promptly send

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- written notice of such determination to the accused and to the person who made the complaint; or
- (4) Determine that further information must be obtained in order for the board of ethics to ascertain whether the complaint alleges facts sufficient to constitute a violation of this article; or
  - (5) Refer the complaint to any appropriate authorities for criminal investigation or prosecution.

(L.L. No. 3-1999, § 2, 12-6-99)

**Sec. 2-5-113. - Hearing before the board of ethics.**

- (1) Upon a full investigation, if the board of ethics determines after a two-third's vote of the total voting membership of the Board that a hearing is warranted, the officer or employee who is the subject of the complaint shall be served with formal charges.
- (2) The officer or employee may file an answer to the formal charges within twenty (20) days of service of said charges. The failure to respond and/or file an answer shall be deemed a denial of all material allegations alleged in the charges.
- (3) If the answer disputes material factual allegations, the board of ethics shall direct that a hearing be held at a date certain, and if appropriate, a hearing officer be appointed by the board, at such compensation as may be agreed upon by the common council, to preside over the hearing and make findings of fact. If appropriate, special counsel may also be appointed on a case-by-case basis in accordance with section 244 of the Charter, subject to approval by the common council for compensation not to exceed five thousand dollars (\$5,000) unless a greater sum has been authorized or upon an additional request or requests by the corporation counsel, the common council may appropriate additional compensation.
- (4) Thirty (30) days after charges have been served, the charges and the answer, if any, shall be made public, unless otherwise stipulated by the parties or extended by an order of a court of competent jurisdiction.
- (5) The officer or employee may be represented by counsel at all stages of the hearing process.
- (6) At the earliest possible stage after the filing of charges, the parties are entitled to copies of all records that will be introduced at the hearing, written statements of any parties and/or witnesses to be called to testify by either party, and exculpatory evidence known to the board of ethics or its counsel.
- (7) At the request of a majority vote of the total voting membership of the board of ethics, the corporation counsel shall issue subpoena(s) to necessary witnesses required to appear at the hearing and for the production of documents and other materials pertinent to the hearing. The corporation counsel must state a specific and articulable reason(s) for denying any request by the board of Ethics for the issuance of a subpoena(s).
- (8) In the event that the corporation counsel should refuse to issue a subpoena(s), the board of ethics may override the corporation counsel's determination and compel the corporation counsel to issue subpoena(s) upon a two-thirds vote of the total voting membership of the board of ethics.
- (9) A transcript shall be made of the hearing and a copy provided to the officer or employee at no cost.
- (10) The standard of proof shall be clear and convincing evidence and the burden of proof upon the board of ethics.

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(11) After the hearing, counsel may present proposed findings of fact and conclusions of law.

(12) Within thirty (30) days of receipt of such materials, the board shall render recommended findings and conclusions of law, transmit said report to the common council and file it with the city clerk for public review.

(13) In lieu of a hearing, the officer or employee or the counsel designated by the board of ethics to present evidence in support of the charges, may submit to the board of ethics, a written, signed stipulation of facts and whether the conduct of the officer or employee has violated the city's code of ethics. The board may either accept the stipulation of a waiver of a hearing and be bound by the stipulation or reject the stipulation and order a hearing. If the stipulation is rejected by the board of ethics, it may not be introduced or used at the hearing.

(L.L. No. 3-1999, § 2, 12-6-99)

**Sec. 2-5-114. - Financial disclosure statements.**

(a) *Applicability.* The following classes of officers or employees of the City of White Plains shall be deemed "reporting officials" and shall be required to file financial disclosure statements as provided under this section:

- (1) All elected officials;
- (2) All commissioners and deputy commissioners;
- (3) All department heads and assistant department heads;
- (4) Members of the board of appeals, planning board, board of ethics and board of assessment review.

(b) *General disclosure.* The financial disclosure statement to be filed by all officers and employees to whom this section is applicable shall be in substantially the form:

DISCLOSURE STATEMENT FOR THE REPORTING YEAR —

.....	
<b>Last Name</b>	
<b>First Name</b>	
	<b>Initial</b>
.....	
<b>Title</b>	
<b>Department of Agency</b>	
.....	
<b>Work Address</b>	
<b>Phone Number</b>	
.....	
<b>Home Address</b>	
<b>Phone Number</b>	

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A. Every question must be answered.

If the question to any answer is "none", please so indicate. If the question is inapplicable, please so indicate (i.e. "n/a"). If the answer is left blank, it will be returned for an answer.

B. Use additional paper if necessary.

If additional space is needed, complete the response on extra sheets of paper and clearly identify the number of the question.

C. Privacy request.

If there are circumstances in which a reporting official believes that answers to any questions should not be made public, the reporting official may request, upon submission of this completed form, that certain information be kept confidential.

D. Advice in answering questions.

A reporting official may request from the board of ethics advice as to the completion of this form or as to any question in this form. Question should be addressed to the board of ethics, in care of the corporation counsel.

E. Board members must complete items 1 through 8. Other reporting officials must complete all items.

Information to be provided is for the reporting year.

**1. Real Estate Ownership.** List the address of each piece of property in the City of White Plains that you or your spouse owned or had a financial interest in, including your primary residence.

As to investment property, provide the type and percentage of ownership by you or your spouse.

Owner's Name	Self or Spouse	Address
Investment or		
Primary Residence		
.....		
.....		
.....		

**2. Ownership Interests.** List any entity in which you or your spouse had an Ownership interest, except a corporation of which you owned less than five percent (5%) of the outstanding stock. Identify the name and type of business, and list the relationship to the business (i.e., owner, partner, officer, director, member, employee, or shareholder).

Name of Business	Type of Business

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Name of Business	Type of Business	Relationship to Business	Self or Spouse
.....			
.....			
.....			

**3. Gifts.** List all gifts that you or your spouse received last year from any entity or person, or agent or representative of such entity or person, who (i) within the past twenty-four (24) months has received or sought a financial benefit from the City of White Plains, has made an application to the City of White Plains, or has had business dealings with the City of White Plains or (ii) has a financial interest in any matter proposed or pending before the City of White Plains.

Gifts include, but are not limited to, tangible items of value, cash in any form, entertainment, any interest, security or item for which the donee paid less than fair consideration or did not pay for, expenses for trip or accommodations, or travel or accommodations provided at a cost of less than full value or at no cost, loans for which interest payments are deferred, no interest is paid, or interest is paid at less than prevailing rates, or other economic benefits, excluding earned income from wages derived from the City of White Plains.

Indicate whether the gift was received by you or your spouse.

Gift (Describe)	Approximate Value	Name of Donor	Self or Spouse
.....			
.....			
.....			

**4. Loans.** List all loans in excess of \$50.00, except those from commercial lending institutions; that you or your spouse has received from a subordinate of yours who is employed by the City of White Plains or from a source in any of the following categories: any person or entity, or agent or representative of person or entity, who (i) within the past twenty-four (24) months has received or sought a financial benefit from the City of White Plains, has made an application to the City of White Plains, or has business dealings with the City of White Plains; or (ii) has a financial interest in any matter proposed or pending before the City of White Plains.

Name of Creditor	Description of Obligation	Amount	Self or Spouse
.....			
.....			

**5. Political Positions Held.** List any political office, political position (other than district leader) or membership on a political party committee that you held during the reporting year.

Position	Organization

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.....
.....

**6. Relatives Employed by the City of White Plains or by Businesses or Persons Doing Business with the City of White Plains.** List any relatives in your immediate family (parents, children, spouse), whether they are living with you, employed by the City of White Plains or by persons or entities known by you to be doing business with the city.

Name of Employer	Name of Relative	Relationship	Position Held
.....			
.....			

**7. Interest in City of White Plains Contracts.** List any financial interest that you or your spouse had in any contract made or executed by the City of White Plains, excluding bonds and notes purchased on the open market.

Description of Interest	Self or Spouse
.....	
.....	

**8. Client Disclosure.** List the names of your or your firm's clients or customers known to you who had matters before your board or agency.

Name	Description of Matters
.....	
.....	

Members of the Board of Appeals, Planning Board, board of ethics and Board of Assessment Review Need Not Complete Items 9 and 10.

**9. Earned Income.** List the source and nature of any income from any source in excess of \$1000.00 that you earned in compensation for services rendered, or for goods sold or purchased, excluding a salary from the City of White Plains.

Do not list such unearned sources of income as interest, dividends, distributions, or capital gains, and do not provide amounts on earned income listed.

Source	Nature of Income
.....	
.....	

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**10. Agreements for Future Employment.** List any assurances or promises of future employment you received during the reporting year from any person or enterprise engaged in business with the City of White Plains.

Future Prospective Employer	When Applicable
.....	
.....	

I attest under oath that all information given here is true and accurate to the best of my knowledge.

.....  
 (Signature)

Sworn to me this _____ day of _____ / _____ / _____ _____, (year)	Please Print: ..... Name
---	--------------------------------

..... Notary Public	..... Address
------------------------	------------------

(c) *Doing business defined.* For purposes of this section, the entity shall be deemed to be "doing business with the City of White Plains" only if it shall, during the twenty-four (24) month period preceding the date of such disclosure statement, either have transacted any business involving one thousand dollars (\$1,000.00) or more with the City of White Plains, the White Plains Urban Renewal Agency, the White Plains Housing Authority, the White Plains Parking Authority, and any other agency or instrumentality of any of the foregoing or have made any application, petition, request for a variance, amendment, change of zoning, approval of a plat, exemption from plat or official map, license or permit, pursuant to the provisions of, in or in connection with, any ordinance local law rule or regulation of the City of White Plains or any of its agencies or instrumentalities.

(d) *Filing date.* The financial disclosure statement shall be made annually on or before January 31, with respect to the preceding calendar year. Any person required to file such statement who becomes so required upon election, appointment, promotion or otherwise, of any year after January 1st, shall file such statement within thirty (30) days of receipt of such statement. The said statement shall be prepared under oath on a form to be approved by the common council and filed with the board of ethics which shall, subject to the provisions of subsection (g) transmit same to the city clerk within fourteen (14) days after its receipt thereof. Any changes involving any of the matters set forth in the financial disclosure statement shall be reported in the same manner within thirty (30) days of such change.

(e) *Privacy claims.* At the time of the filing of any disclosure statement, the officer or employee filing same may simultaneously file with the board of ethics, a written claim of privacy specifying with particularity those portions of the said statement which the officer or employee requests be deleted therefrom in the record thereof to be maintained by the city clerk. The board of ethics, prior to the

TITLE II. - ADMINISTRATION  
Chapter 2-5 - OFFICERS AND EMPLOYEES  
ARTICLE V. - CODE OF ETHICS

transmission of such statement to the city clerk, shall delete any such item upon a finding that the same is of a highly personal nature, does not in any way relate to the duties of the position held by such person and does not create an actual or potential conflict of interest. The officer or employee shall have an opportunity to appear before the board of ethics in accordance with written procedures to be established by the board of ethics and filed with the common council and the city clerk.

(L.L. No. 3-1999, § 2, 12-6-99)

**Sec. 2-5-115. - Claims, lawsuits, etc.**

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

(L.L. No. 3-1999, § 2, 12-6-99)

**Sec. 2-5-116. - Penalties.**

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

(L.L. No. 3-1999, § 2, 12-6-99)

**Secs. 2-5-117—2-5-125. - Reserved.**

<sup>(65)</sup> State Law reference— Power of council to adopt code of ethics, General Municipal Law, § 806. (Back)



# THE CITY OF WHITE PLAINS



PERSONNEL

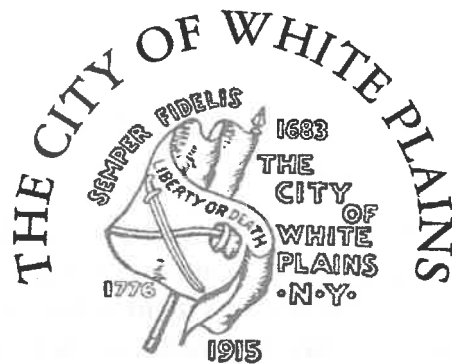
POLICIES

Revised: APRIL 1, 2021

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# AFFIRMATIVE ACTION



# POLICY

THE CITY OF WHITE PLAINS

Reissued: October 9, 2018



“THE BIRTHPLACE OF THE STATE OF NEW YORK”  
OFFICE OF THE MAYOR

THOMAS M. ROACH  
MAYOR

t: 914.422.1411  
f: 914.422.1395

October 5, 2018

The Affirmative Action Policy for the City of White Plains has been reissued, and reaffirms the City’s longstanding policy and commitment to Affirmative Action and Equal Employment Opportunity for all persons in all aspects of the City’s employment policies and practices regardless of age, race, color, religion, national origin, sex, medical condition or disability, marital status, military or veteran status, gender identity, sexual orientation, criminal convictions, or any classification protected by Federal, State or Local Law.

Each department head is charged with implementing this Policy, with the assistance of the Personnel Officer, insuring that recruitment, promotions and all other conditions of employment and contract for services meet these standards.

In keeping with the City’s practice to make this Policy accessible, its distribution to all current employees is the responsibility of each Department Head. The Personnel Officer will include a copy in the orientation packet for new employees.

Thomas M. Roach  
Mayor

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**AFFIRMATIVE ACTION  
EQUAL EMPLOYMENT OPPORTUNITY**

**POLICY:** The City of White Plains has a longstanding policy and commitment to the principles and practices of affirmative action and equal employment opportunity in all aspects of employment, promotion, compensation, terminations and other terms and conditions of employment. In accordance with Federal and New York State Human Rights Laws, the City of White Plains prohibits discrimination because of age, race, color, religion, national origin, sex, medical condition or disability, marital status, military or veteran status, gender identity, sexual orientation, criminal convictions or any other classification protected by Federal, State or Local Law. Contractors doing business with the City are also required to meet these equal employment opportunity standards.

Further, the City of White Plains is committed to developing and maintaining avenues of entry and advancement for qualified individuals regardless of their age, race, color, religion, national origin, sex, medical condition or disability, marital status, military or veteran status, gender identity, sexual orientation, criminal convictions or any other classification protected by Federal, State or Local Law. To that end, all appointing authorities are charged with the responsibility to implement this Policy in all employment practices, and to appoint and promote qualified individuals consistent with City policy.

The Personnel Officer is designated as the City's Affirmative Action Officer, responsible for the implementation of this Policy. The Corporation Counsel investigates claims of violation of this policy.

Complaints of violations of this policy should be addressed to the Department Head or Personnel Officer, which will then be referred to the Law Department as outlined in the complaint procedure in the Affirmative Action Policy.

Complaints of discrimination may also be made (using their form and procedure) to the Westchester County Human Rights Commission, 112 East Post Road (3<sup>rd</sup> floor), White Plains, New York 10601.

## AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY

The City of White Plains (the "City") recognizes that questions regarding an applicant's criminal record of arrests and/or convictions may create obstacles to employment, and may even dissuade job seekers from applying who are otherwise qualified, rehabilitated and do not pose a risk to public safety or property.

For all positions covered by Article 23-A of the New York State Correction Law, the City's Employment/Exam application will no longer have questions regarding an applicant's prior arrests or convictions. The provisions of this Policy Addendum, however, do not apply to applications for Police Officer, Fire Fighter, or "peace officer" positions (defined by Criminal Procedure Law 1.20 or 2.10) which will continue to require answers to these questions at the time of application.

Department Heads and administrative staff who are involved in the hiring process will not have this information nor request it for the initial screening of candidates prior to the first interview for available positions. Upon selection for an interview, and prior to an offer of employment, applicants shall receive a questionnaire to be sent to the Personnel Department for the purpose of disclosing any and all convictions, which may result in further investigation if deemed necessary. Applicants must also sign an affirmation, authorization and release, that: (1) authorizes the City to request and receive information and records whether public, private or confidential; (2) releases the City from any and all liability incurred as a result of collecting the information; and (3) certifies that all questions were answered truthfully.

All prospective employees for regular full time City of White Plains positions will be subject to a post offer/pre-employment background investigation to include fingerprinting by Public Safety and drug testing. The cost of drug testing and fingerprinting, which is in addition to the current application fee, must be paid by the prospective employee.

The City retains the right of all appointing authorities to withdraw an offer of employment or deny employment to candidate because of their prior record of convictions that have a direct relationship to the job to be performed or if their employment would create an unreasonable risk to public safety and/or property. In addition, the City may withdraw a conditional offer of employment or dismiss an employee from service as a result of any omissions, misrepresentations or falsifications on an employment application, questionnaire or any other document furnished for the purpose of obtaining employment.

### **Responsibility for Implementation**

**Mayor:** has the ultimate authority in insuring the implementation of the City's Affirmative Action/Equal Employment Opportunity Policy; and for the enforcement of applicable Federal and State human rights laws.

**Department Heads** are charged with the responsibility for implementing the City's Affirmative Action Policy and Equal Employment Opportunity Plan throughout their department, with the guidance of the Personnel Officer and in consultation with the Law Department. These responsibilities include, but are not limited to, the following:

- (1) Appointing and promoting qualified individuals consistent with City policy;
- (2) Ensuring that anyone conducting interviews for selection is briefed on how to conduct legal, non-discriminatory pre-employment inquiries and made knowledgeable about required accommodations that may have to be arranged;
- (3) Ensuring that the interview process and questions are designed to ascertain if the candidate is qualified and able to perform the essential functions of the position, and not to determine or expose a candidate's disability or other protected status under the law;
- (4) Ensuring that the standards for selection are fair and consistent for all interviewees;
- (5) Ensuring that the location for conducting interviews is accessible to all applicants;
- (6) Ensuring that any medical, physical or other protected information obtained post employment offer is maintained in a separate, confidential file;
- (7) Developing or promoting educational and training programs, within budgetary constraints, developing employee skills and increasing opportunities for advancement; approving requests for educational leaves of absence;
- (8) Encouraging upward mobility through promotion and mentoring career development;
- (9) Ensuring that any complaints of discrimination or violation of the Affirmative Action Policy and Equal Employment Opportunity Plan are referred to the Corporation Counsel for investigation, and corrected if any violation is identified.

**The Personnel Officer** is responsible for implementation, including but not limited to:

- (1) Disseminating the Affirmative Action Policy to all employees, and assisting in the resolution of complaints of discrimination or violations of the City's Affirmative Action/EEO Policy;
- (2) Reviewing practices and procedures affecting all aspects of employment to ensure affirmative action/equal employment opportunity goals are being met city-wide;
- (3) Preparing progress reports for the Mayor, as requested;
- (4) Preparing and submitting the "Equal Employment Opportunity - 4" reports to the U.S. Equal Employment Commission as required and in required format;
- (5) Re-issuing and updating the Affirmative Action Policy;
- (6) On-going review of all job specifications to ensure that qualification requirements are job related, and do not include any artificial barriers to employment or advancement;
- (7) Assisting Department Heads in developing essential functions descriptions and in identifying reasonable accommodations for qualified employees consistent with federal and State Law;
- (8) Posting and disseminating job openings, promotional opportunities and Civil Service exam announcements to maximize recruitment potential throughout a diverse labor market;
- (9) Advertising in minority newspapers, and soliciting the assistance of minority organizations, groups, and affiliations in recruitment;
- (10) Ensuring that all exam announcements, employment application, recruitment postings and ads identify the City of White Plains as an "Equal Opportunity Employer";
- (11) Enabling reasonable civil service testing accommodations for Sabbath Observers or disabled applicants;
- (12) Administering the tuition reimbursement program to provide tuition assistance in an equitable manner and consistent with the terms and conditions of the bargaining agreements and the Compensation Ordinance to promote the development of employees for advancement.
- (13) Ensuring that any complaints of discrimination or violation of the Affirmative Action Policy and Equal Opportunity Plan are referred to the Corporation Counsel for investigation, and enabling corrective action if any violation is identified.



## **RESOLUTION PROCEDURE FOR DISCRIMINATION**

1. Any employee who feels that he or she has been subject to discrimination because of age, race, color, religion, national origin, sex, medical condition or disability, marital status, military or veteran status, gender identity, sexual orientation, criminal convictions or any other classification protected by Federal, State or local Law should immediately report the matter to his or her supervisor, Department Head, Personnel Officer (ext.1403), or Corporation Counsel (ext.1240). Any supervisor or department head who becomes aware of any unlawful discriminatory behavior must immediately advise the Corporation Counsel, who will investigate the matter as outlined below.
2. An employee seeking guidance as to how to proceed in filing a complaint, should review the Complaint Procedure or contact the Personnel Officer or the Corporation Counsel.
3. All complaints of discrimination will be promptly and carefully investigated in a discreet and confidential manner. No employee will be adversely affected in employment within the City as a result of making a good faith complaint of discrimination.
4. A complaint of discrimination will be treated as a confidential matter to the maximum extent possible. Only those persons necessary for the investigation and resolution of the situation will be involved in the process. All individuals who participate in the investigation are required and directed to treat the matter confidentially. A violation of this directive is, in itself, a potential ground for disciplinary action.
5. An investigation of a complaint will include conferring with the parties involved and any named or apparent witnesses. In light of the particular facts presented, the investigation will focus on the nature of the complaint, any pattern of alleged conduct, the alleged act itself, and any other relevant facts.
6. Individuals who believe they have been unjustly charged with discrimination will have the opportunity to present evidence in their defense.
7. The complainant and the accused will be notified of the determination after the completion of the investigation. If the investigation substantiates the charge of discrimination, immediate corrective action, which may include dismissal from employment, will be taken against those responsible.
8. Fabricated reports of discrimination constitute an abuse of this policy and are grounds for disciplinary action.

## **DISCRIMINATION COMPLAINT PROCEDURE**

An employee (“complainant”) who believes that he or she has been discriminated against should immediately report the matter to a Supervisor, department head, the Personnel Officer (ext. 1403), or the Corporation Counsel (ext. 1240).

- I. The complaint is preferred to be made in writing (using the complaint form) and signed by the complainant to initiate an investigation. If the complaint is made orally, it is encouraged that the complaint be formalized in writing and signed by the complainant. Assistance will be provided if needed.
- II. Employees are encouraged to file all complaints as promptly as possible after the complainant concludes that they have been subject of discriminatory action. Complaints must be filed within the appropriate statutory limits of the alleged discriminatory conduct.
- III. The complaint will be promptly and carefully investigated in a discreet and confidential manner by the City, as set forth above.
- IV. A complaint will not be accepted under this procedure if the same complaint has already been filed with either the Westchester County Human Rights Commission, the NY State Division of Human Rights or the Equal Employment Opportunity Commission, or is the subject of litigation in either the Federal or State Court. If after filing this complaint with the City, the complainant elects to file a complaint with one of the above agencies, the complaint filed under this procedure shall be deemed withdrawn.
- V. All individuals involved in the investigation are required to cooperate with the City during the investigation process. This includes maintaining the confidentiality of the parties and facts involved.
- VI. The accused shall be given notice of the complaint at an appropriate time in the investigation and given an opportunity to present evidence in his/her defense.
- VII. The complainant and the accused will receive written notice of the results of the investigation.
- VIII. If the investigation substantiates the charge of discrimination, immediate corrective action, which may include disciplinary action, will be taken against those responsible.
- IX. The City will conduct confidential follow-up interview(s) with the complainant for an appropriate period of time to ensure that the discriminatory behavior has not resumed and that no retaliatory action has been taken.
- X. A complainant may withdraw the complaint, preferably in writing (using the complaint withdrawal form); however the City reserves the right to continue the investigation if the circumstances warrant it.



**CITY OF WHITE PLAINS  
WITHDRAWAL OF DISCRIMINATION OR HARASSMENT COMPLAINT**

NAME OF  
COMPLAINANT \_\_\_\_\_

DATE COMPLAINT  
WAS FILED \_\_\_\_\_

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS REQUIRED ON IT. MY WITHDRAWAL IS MADE VOLUNTARILY, WITHOUT DURESS OR COERCION, AND PURSUANT TO THE EXERCISE OF MY OWN FREE WILL.

COMPLAINANT'S  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PERSON(S)  
NOTIFIED \_\_\_\_\_

**EEO Description of Job Categories (as defined by US Equal Employment Opportunity Commission):**

1) **Officials and Administrators:** Occupations in which employees set broad policies , or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

2) **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

3) **Technicians:** Occupations which required a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.

4) **Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

5) **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified patter of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

6) **Administrative Support (Including Clerical and Sales):** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

7) **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

8) **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

EEO Functions (as defined by US Equal Employment Opportunity Commission):

1. **Financial Administration:** Tax assessing, tax billing and collection, budgeting, purchasing, central accounting and similar financial administration carried on by a treasurer's, auditor's, or comptroller's office.
2. **Streets and Highways:** Maintenance, repair, construction and administration of streets, alleys, sidewalks, roads, highways and bridges.
3. **Public Welfare:** Maintenance of homes and other institutions for the needy, administration of public assistance.
4. **Police Protection:** Duties of a police department, sheriff's, constable's office etc. including technical and clerical employees.
5. **Fire Protection:** Duties of uniformed fire force and clerical employees.
6. **Natural Resources:** Agriculture, forestry, forest fire prevention, irrigation, drainage, flood control, maintenance and operation of parks, playgrounds, swimming pools, auditoriums, museums, marinas, zoos, etc.
7. **Hospitals & Sanatoriums:** Operation and maintenance of institutions for inpatient medical care.
8. **Health:** Provision of public health services, out-patient clinics, visiting nurses, food and sanitary inspections, mental health, alcohol rehabilitation services, etc.
9. **Housing:** Code enforcement, low rent public housing, fair housing, ordinance enforcement, housing for elderly, housing rehabilitation, rent control.
10. **Community Development:** Planning, zoning, land development, open space, beautification, preservation.
11. **Corrections:** Jails, reformatories, detention homes, half-way houses, prisons, parole and probation activities.
12. **Utilities & Transportation:** Includes water supply, electric power, transit, gas, airports, water transportation and terminals.
13. **Sanitation & Sewage:** Street cleaning, garbage and refuse collection and disposal, provision, maintenance, and operation of sanitary and storm sewer systems and sewage disposal plants.
14. **Employment Security:** State Government Only

## **CITY OF WHITE PLAINS POLICY AND PROCEDURE**

### **ATTENDANCE: ADVERSE WEATHER/EMERGENCY CONDITIONS**

**POLICY:** It is the responsibility of each City of White Plains employee to make every effort to report to work as scheduled on all work days, including days of inclement weather, to insure the non-interruption of City services. Employees may be temporarily reassigned duties during a weather or other emergency situation to insure the safety and well-being of other employees, residents and the public. **The declaration of a weather or other emergency is the sole decision of the Mayor.**

### **PROCEDURES:**

**Note:** This Policy does not apply to employees represented by the Police Benevolent Association (PBA) and the Professional Fire Fighters Association (PFFA), who should follow Public Safety Department Procedures. Emergency and other safety related personnel, as designated by each Department Head, must follow their respective Departmental procedures.

#### **I. When the City remains open:**

Employees are expected to report to work. Those who can not report to work due to severe weather under this policy, and function in a non-emergency or non-safety related position, must use their personal, vacation or compensatory time balances, and must call in according to their departmental procedures. Sick time may not be used unless the employee is ill (and would have called in sick regardless). Employees in emergency or safety related positions must report to work and be prepared to work whatever hours are deemed necessary by their respective Department Head.

#### **II. When the City closes for part of a day:**

When the **Mayor** declares a weather or other emergency and delegates to the Department Heads the release of employees for part of a work day, those employees designated by the Department Head as emergency or safety related must remain, while the others may be permitted to return home.

Those employees released to go home will not be charged time for the remainder of that work day from their existing leave balances.

Those employees required to remain will be compensated according to the provisions of the applicable collective bargaining agreement or compensation ordinance.

Those employees in positions not designated as emergency or safety related by the Department Head who come to work and are granted early release using their existing leave balances will be re-credited only with the number of hours of the workday that the City was declared closed by the Mayor.

Those employees who used existing leave balances to take the day off, will be re-credited with only the number of hours of the work day that the City was declared closed by the Mayor. Those employees who call in sick or were previously scheduled to be off, will not be re-credited any time under this Policy.

### III. When the City is closed:

The declaration of a weather or other emergency so severe as to cause the Mayor to delay the opening of City facilities or close City facilities for the entire day will be announced on radio station WFAS. Departments should develop emergency telephone lists to facilitate communication.

Those employees in emergency or safety related positions must report to work and work the hours deemed necessary by their Department Head in accordance with departmental policy and procedures. Those employees will be paid in accordance with this Policy, as described above, and the applicable collective bargaining agreement or compensation ordinance.



**CITY OF WHITE PLAINS  
POLICY AND PROCEDURES**

**NON-DISCRIMINATION ON THE BASIS OF DISABILITIES**

**POLICY:** The City of White Plains is committed to assuring equal employment opportunity and equal access consistent with the Americans With Disabilities Act (ADA), the Federal Rehabilitation Act of 1973, and the New York State Human Rights Law, which prohibit discrimination in the employment of qualified individuals with disabilities, and the discrimination of qualified individuals with disabilities in accessing City services, programs and activities. Reasonable accommodations will be made as required by law.

Violations of this policy are subject to disciplinary action.

**PROCEDURE:**

An employee or applicant seeking accommodation must make known to the City the nature of the disability for which he or she is requesting an accommodation, and the specific accommodation requested.

Requests for accommodations should be addressed as follows:

For Employment: Department Head, Personnel Officer or Corporation Counsel

For Public Services: Commissioner of Building or Commissioner of Public Works

Based on job descriptions and functional assignments, a list of essential functions for City positions will be developed by the Personnel Officer in coordination with the appropriate Department Head.

A reasonable accommodation may include a re-structuring of a job (on a permanent or temporary basis) to reassign or exchange marginal duties with other employees; reassignment to another vacant position; relocation of the work site; modifying work schedules; acquisition or modification of equipment, hardware or aides; providing readers or interpreters; or special civil service exam testing arrangements.

The City's designated telephone device for the hearing impaired is located in the Personnel Department, and the voice number is (914) 422-1258.

Current illegal substance abuse is not covered under the ADA.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**DRUG-FREE WORKPLACE**

**POLICY:** It is the long-standing policy of the City of White Plains to maintain a drug-free workplace in compliance with the Drug-Free Work Place Act of 1988, the Omnibus Transportation Employee Testing Act of 1991, and the Federal Regulations adopted by the Federal Highway Administration of the U.S. Department of Transportation. The City prohibits any on-the-job impairment, use or abuse of controlled substances or alcohol, including but not limited to its manufacture, distribution, possession, or sale while engaged in City business; on or off premises as well as in City vehicles; or that imperils the health or well-being of other employees, residents or members of the public; or that on or off the job impairs the efficiency of or brings discredit to its operation, compromises safety or undermines public trust. Accordingly, City employees are subject to random drug and/or alcohol testing in accordance with the terms of their current labor agreements. The drug test will screen for controlled substances. Employees who are tested pursuant to the Omnibus Transportation Testing Act shall not also be tested for the same incident pursuant to this policy.

Violations of this policy are subject to disciplinary action.

**PROCEDURE:**

**Note:** This Procedure does not supersede those defined in current agreement the Police Benevolent Association (PBA), the Professional Fire Fighters Association (PFFA), Civil Service Employees Association (CSEA), and Teamsters (Local 456).

Employees with a dependency problem are encouraged to seek treatment or assistance, either privately or with an Employee Assistance Program (as provided in the applicable bargaining agreements). Employees who undergo voluntary counseling or treatment and who continue to work, must meet all established standards of conduct and job performance or be subject to discipline. Voluntary requests or self-referrals for assistance, following a first instance of positive drug testing, may, at the City's sole discretion, result in the suspension of disciplinary action; however, such voluntary requests for assistance may not prevent disciplinary action for violations of the City's Drug Free Workplace Policy or failure to meet performance standards.

The City of White Plains also reserves the right to require any employee believed, with reasonable suspicion, to be in violation of this policy, to submit to a urinalysis and/or other drug or alcohol test. In compliance with the provisions of the Omnibus Transportation Employee Testing Act of 1991 and the regulations adopted thereto, random testing for the presence of controlled substances or alcohol will be conducted for those employees in positions requiring a commercial driver's license (CDL). Refusal to consent to such tests, adulteration or attempted adulteration of test results, or confirmed positive results from these tests, will result in

disciplinary action, up to and including termination. Work related problems such as absenteeism, tardiness, or unsatisfactory work performance resulting from the abuse of controlled substances or alcohol during non-working hours will result in disciplinary action, which could lead to termination. Employees may be entitled by law to Union representation at certain points during the testing process.

**REPORTING REQUIREMENTS:**

Any City employee who observes or has reason to believe that a City employee is using or is impaired by drugs or alcohol while on duty should report it immediately to the employee's Department Head or designee, supervisor, the Law Department or the Personnel Officer.

Any employee, arrested or convicted of drug or alcohol related violations, including pleas of *nolo contendere* (no contest), must inform their Department Head immediately following such arrest, conviction or plea. The Department Head must notify the Corporation Counsel in order to make appropriate notifications to any funding agencies, if applicable, within ten calendar days after receiving notice of an employee's conviction. The City will take appropriate action against the employee: either disciplinary, up to and including termination, consistent with the requirements of the appropriate federal and state laws and the relevant collective bargaining agreements ; or requiring the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose.

**DEFINITIONS:**

**Controlled Substance** - any drug included and considered unlawful to possess under Title M, Article 220 of the NY State Penal Law, or in Schedules I-V of Section thirty-three hundred six of the public health law (e.g. cocaine, marijuana, narcotic drugs, hallucinogenic substances, stimulants, dangerous depressants). This does not include prescribed drugs obtained legally from a physician and being used for the purpose prescribed.

**Illegally Used Drugs**- the use, possession, sale or criminal diversion of any controlled substance, medication or device other than as directed or authorized by means of an official NY State prescription form, or other authorized written or oral prescription, which permits a person to lawfully obtain a controlled substance from a person authorized to dispense controlled substances.

**Alcohol**- colorless, volatile and flammable liquid that is the intoxicating agent in fermented and distilled liquors. It includes, but is not limited to, beer, wine, and liquor. It does not include alcohol used for cleaning or chemical processing, unless it is used for other than its intended purpose.

**City Property**- includes City Hall and all buildings, offices, facilities, parks, recreational facilities, streets/roads, parking lots/structures, vehicles and land owned, utilized or leased by the City. It also includes facilities and any other site at which the business of the City is transacted.

**Drug Paraphernalia**- any item used for the purpose of unlawfully mixing, compounding, administering, transfer, manufacture, weighing, measuring, packaging, dispensing, testing or storage of any narcotic drugs or stimulants.

**REASONABLE SUSPICION: SUPERVISORS DRUG/ALCOHOL TESTING  
REFERRAL PROCEDURES:**

Supervisors in the Departments of Public Works and Public Safety must follow their established departmental procedures.

The procedure set forth in the relevant bargaining agreement will be used if it is in conflict with the relevant portion of this procedure.

1) The supervisor shall report immediately any incident or reasonable suspicion indicating that a City employee is using or is impaired by drugs or alcohol while on duty to the Department Head (or designee). The Supervisor shall document all circumstances, information and facts leading to and supporting reasonable suspicion of an employee's drug or alcohol abuse. The report should include the date and time and description of the behavior, incident, reliable/credible source of information, and the specific details regarding the rationale leading to referral for testing and the actions taken.

2) Caution should be taken not to accuse the employee of substance abuse, but rather the employee should be made aware of the questionable behavior or incident leading to the referral, and given the opportunity to explain it. Procedures set forth in this section and the applicable bargaining agreement should be followed.

3) The supervisor shall consult with the Department Head (or designee) and shall jointly decide whether to refer an employee for testing. If during off hours, or a holiday, or in the event the Department Head (or designee) cannot be reached, the Supervisor may make the decision on his or her own to refer the employee for drug/alcohol testing. The Personnel Officer and/or Law Department must be consulted prior to any action being implemented.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**INFORMATION POLICY**

**POLICY: CONFIDENTIALITY**

Information and records pertaining to the internal administrative operations of the City of White Plains involve sensitive and confidential information. Staff with authorized access to sensitive and confidential information, in any form, both written and electronic, are required to handle this information in the strictest confidence and discretion. Such information shall only be released or disseminated with proper authorization, and/or consistent with the Freedom of Information Law ("FOIL") and the City's procedures for FOIL disclosures.

Violations of this policy are subject to disciplinary action.

**POLICY: PROPER USE OF INFORMATION TECHNOLOGY**

All electronic and telephonic communications systems, the City's intra-network, and all other communications (including e-mail and access to the internet system) and information transmitted by, received from, or stored in these systems are the property of the City of White Plains, and as such, are to be used solely for City business, programs and services. The use of any software or office equipment, including, but not limited to telephones, facsimiles, computers, e-mails, internet access, and copy machines for private purposes is prohibited.

Further, employees are not permitted to use a password, access a file, store or retrieve information unless authorized to do so. All such passwords are the property of the City of White Plains, and shall be divulged to the Chief Information Officer or designee upon request. Once an individual's password is created, it is the employee's responsibility to protect the security of that password, and to change it if he or she has reason to believe it has been compromised.

Installing, disabling or in any way changing any system configuration, including security or any other software is prohibited. The attachment or detachment of any device to the City system without the written approval of the Chief Information Officer is prohibited.

Employees must protect the City's data and related systems from unauthorized access by logging off all City systems when a computer or terminal is to be left unattended or unsupervised. A system locking mechanism that has been approved by the Chief Information Officer, or the CIO's designee, may be used in lieu of logging off the City's systems. Employees shall store data, to meet departmental needs or as required by the Department Head, on the City's secured servers.

Improper use of all communication and information systems is strictly prohibited. Derogatory, obscene, defamatory, or harassing communications or downloads of such material from the

internet are prohibited. The use of electronic or telephonic communication in a manner contrary to City policy is prohibited. Disclosure of internal, administrative communications to anyone not authorized to this disclosed information, is prohibited.

Any communication sent, received or stored on City equipment should not be considered as "private" by any staff member, and may be periodically reviewed, inspected, and/or disclosed to authorized third parties, with or without the consent of users. Unauthorized copying and distribution of copyrighted software or other material is prohibited. From time to time, a review of stored communication may be conducted by authorized persons, and stored material may be confiscated or deleted.

To ensure that the use of electronic and telephonic communication systems and office equipment is consistent with City of White Plains policies, programs and services, the City reserves the right to have authorized persons monitor the use of such equipment, electronic and telephonic communications, and stored communications from time to time, with or without notice to users. This includes listening to and viewing stored communications in any medium.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**RECORDING/TAPING**

**POLICY:**

**Note:** This Policy does not apply to employees represented by the Police Benevolent Association (PBA) who should follow Public Safety Department Procedures.

It is the policy of the City of White Plains that in any discussion (directly or over the telephone) among City employees, employees are prohibited from recording or taping discussions, using audio or visual recording devices or equipment, without the full knowledge and consent of the other person.

Such authorization/consent must be secured prior to the discussion, and shall be entered into the recording device at the start of the meeting. Upon receipt of such authorization/consent, the recording device is to be placed in plain view for the duration of the recording or taping. The use of City owned recording or photographic equipment is restricted to official City business, and with the prior approval of the appropriate Department Head or designee. Recordings/photographs made with City owned recording or photographic equipment are the property of the City of White Plains.

Violations of this policy are subject to disciplinary action.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**SAFETY - SECURITY - WORKPLACE THEFT**

**SAFETY**

Each staff member is expected to comply with established, adopted safety practices and procedures in all work activities. City employees are encouraged to make suggestions to improve safety in the workplace, and employees are to report immediately any unsafe or hazardous conditions in City owned or operated facilities, equipment, or vehicles.

**SECURITY**

**Note:** This Policy does not apply to employees represented by the Police Benevolent Association (PBA) and the Professional Fire Fighters Association (PFFA), who should follow Public Safety Department Procedures.

For all other employees, the City of White Plains does not tolerate the use of any behavior which a reasonable person would view as violent, offensive, abusive or threatening behavior, by any of its staff members or toward any of its staff members while engaged in City business, programs or services. To protect the safety and security of its staff, unless specifically authorized to do so, the City prohibits the possession of firearms, weapons, explosives or other illegal or unsafe materials in its buildings, facilities, parks, or property. The City reserves the right to conduct regular or random inspections at its discretion. This includes, but is not limited to, the inspection of City owned property, including but not limited to automobiles, containers, offices, files, desks, lockers, computers or other storage devices, as well as employees' personal possessions while engaged in City business. Any employee who knows of a potential violation of this policy must report it immediately to the employee's supervisor, Department Head, Corporation Counsel or the Personnel Officer.

Bomb threats should be reported immediately by calling 911 and reporting it to the employee's supervisor, Department Head, Corporation Counsel or the Personnel Officer. To the extent possible, information should be taken from the caller using the Department of Public Safety instruction card, which is to be kept under each employee's phone.

The City is not responsible for privately owned items brought to work. Purses, jewelry, wallets, cash, mobile phones and other valuables should be stored in a safe and secure manner. Theft should be reported to the Department of Public Safety and the Department Head.



Keys, portable computers, mobile phones, beepers, tools, uniforms, ID badges and any items issued by the City to an employee during the course of employment must be returned to the Supervisor at the time of termination from employment with the City.

Any employee who feels threatened should refer to the Workplace Violence or Sexual Harassment Policy/Procedure.

**WORKPLACE THEFT**

The taking or use of City owned property, equipment, material, supplies or staff for non-City business related use is a form of theft and is prohibited. This includes, but is not limited to, the unauthorized use of telephones to make non-City business related long distance phone calls; taking or borrowing cash from cash registers; using postage machines for personal mail; taking home office supplies; use of City fuel to fill personal vehicles; using the services of City employees on City time for personal purposes; asking another City employee(s) to disregard or violate City policy, laws or procedures for personal reasons; the unauthorized altering of official records; stealing from other employees or from the public; or intentionally leaving City property exposed to the risk of theft.

Any employee who knows of a potential violation of this policy must report it immediately to the employee's supervisor, Department Head, Corporation Counsel or the Personnel Officer.

Violations of this policy are subject to disciplinary action.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**ANTI-DISCRIMINATION AND HARASSMENT POLICY**

**POLICY:**

The City has had a longstanding practice of protecting and safeguarding the rights and opportunities of any person who might seek or obtain employment without being subjected to illegal discrimination or harassment (hereinafter “harassment”) in the workplace based on their age, race, color, religion, national origin, sex, medical condition or disability, marital status, military or veteran status, gender identity, sexual orientation, criminal convictions or any other classification protected by Federal, State or Local Law. Violations of this policy are subject to disciplinary action.

**NON-RETALIATION POLICY:** There shall be no retaliation taken against an employee, applicant, volunteer or contractor doing business with the City who has made a good faith complaint of harassment pursuant to this policy.

**DEFINITION OF HARASSMENT:**

Harassment is a form of discrimination prohibited by law and is, therefore, illegal. The City is committed to providing a work environment free from all forms of illegal harassment. For purposes of this policy, the term “employee” means any person holding a position by election, appointment or employment in the service of the City, whether or not compensated, including independent contractors, applicants and volunteers.

Harassment refers to behavior which is unwelcome and personally offensive on the basis of age, race, color, religion, national origin, sex, medical condition or disability, marital status, military or veteran status, gender identity, sexual orientation, criminal convictions or any other classification protected by Federal, State or Local Law. It is a form of misconduct which is demeaning to another person and can undermine the integrity of the employment relationship. It does not matter if the harassment is “just joking” or “teasing” or “playful” since this may be just as offensive as any other type of harassing conduct.

Unwelcome verbal or physical conduct constitute harassment when:

- 1) Submission to the conduct is explicitly or implicitly made a condition of an individual’s employment; or
- 2) Submission to or rejection of such conduct is used as a basis for an employment decision affecting the employee; or
- 3) The harassment has the purpose or effect of unreasonably interfering with an employee’s work performance or effectiveness, or creating an environment that is intimidating, hostile or offensive to the employee. For example, any unwanted sexual contact may constitute sexual harassment. This includes, but is not limited to, touching, petting, pinching, brushing up against a person’s body, assault, and coerced sexual intercourse. Likewise, verbal threats, foul language, sexually-oriented propositions, and jokes or remarks can create an intimidating, hostile, or offensive working environment and are therefore prohibited. Harassment is not limited to offensive verbal comments and physical behavior. Abusive written language, including e-mails, the display of explicit pictures or other objects, and obscene gestures in the workplace may also be offensive to another employee and is thus prohibited.

### **HARASSMENT COMPLAINT PROCEDURE:**

1. Any employee who feels that he or she has been illegally harassed should immediately report the matter to his or her supervisor, Department Head, Personnel Officer (ext.1403), Corporation Counsel (ext.1240), or the Mayor. Any supervisor or Department Head who becomes aware of any illegal harassment must immediately advise the Personnel Officer or the Corporation Counsel, who will investigate the matter as outlined below.
2. If an employee believes that he or she has been harassed and seeks guidance as to how to proceed in filing a complaint, that individual should review the Complaint Procedure or contact the Personnel Officer or the Corporation Counsel. The complaint is preferred to be made in writing (using the complaint form) and signed by the complainant to initiate an investigation. Assistance will be provided if needed.
3. Employees are encouraged to file all complaints as promptly as possible after the complainant concludes that the City's harassment policy has been violated.
4. All complaints of harassment will be promptly and carefully investigated in a discreet and confidential manner.
5. The City will investigate all complaints of harassment brought to its attention, even those referred "confidentially". Complaints of harassment will be treated as a confidential matter to the maximum extent possible in that only those persons necessary for the investigation and resolution of the situation will be involved in the process. All individuals involved in the investigation are required to cooperate with the City during the investigation process. All individuals who participate in the investigation are required and directed to treat the matter confidentially. A violation of this directive is, in itself, a potential ground for disciplinary action.
6. An investigation of a complaint will include conferring with the parties involved and any named or apparent witnesses. In light of the particular facts presented, the investigation will primarily focus on the nature of the behavior, any pattern of alleged conduct, and the alleged conduct itself. An employee may be entitled to Union representation at certain stages of this process, as required by law.
7. Individuals who believe they have been unjustly charged with harassment will have the opportunity to present evidence in their defense.
8. The complainant and the accused will be notified in writing of the determination after the completion of the investigation. If the investigation substantiates the charge of harassment, immediate corrective action, which may include dismissal from employment, will be taken against those responsible. Employees are entitled to union protection as required by law.
9. A complainant may withdraw the complaint in writing (using the complaint withdrawal form) if the complainant feels it has been resolved; however the City reserves the right to continue the investigation if the circumstances warrant it.
10. Fabricated reports of harassment with malicious intent constitute an abuse of this policy and are grounds for disciplinary action.



**CITY OF WHITE PLAINS  
WITHDRAWAL OF DISCRIMINATION OR HARASSMENT COMPLAINT**

NAME OF  
COMPLAINANT \_\_\_\_\_

DATE COMPLAINT  
WAS FILED \_\_\_\_\_

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS REQUIRED. MY WITHDRAWAL IS MADE VOLUNTARILY, WITHOUT DURESS OR COERCION, AND PURSUANT TO THE EXERCISE OF MY OWN FREE WILL.

COMPLAINANT'S  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PERSON(S)  
NOTIFIED \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**WORKPLACE VIOLENCE**

**POLICY:**

The City of White Plains is committed to maintaining a work environment that is free of violence or unlawful harassment, and will not tolerate any form (acts or threats) of physical violence, intimidation, coercion or unlawful harassment which involves or affects the City or occurs on City property by anyone, including any City staff or vendor doing business with or representing the City. City staff may not engage in any behavior or conduct that could reasonably be interpreted as violent, threatening to others, or unlawful harassment.

Any violation of this policy must be reported to a Supervisor, the Department Head, Personnel Officer, or Corporation Counsel. The Corporation Counsel must be immediately consulted by the Department Head (or designee) whenever such offensive behavior is reported, experienced or witnessed.

Members of the Professional Firefighters Association should refer to and follow the procedures in the Department of Public Safety Book of Rules.

The conduct prohibited by this policy includes all unwelcome conduct, as viewed by a reasonable person, whether verbal, physical or visual. Some examples of behavior prohibited under this policy are as follows:

- Hitting or shoving an individual;
- Threatening or causing harm to an individual or his/her family, friends, associates or their property;
- Intentional destruction or threat of destruction of City owned property or services;
- Threatening or harassing phone calls, letters, e-mails or any other form of communication;
- Intimidating or coercing an employee to do wrongful acts or to violate a City policy, law or procedure;
- Intimidating or coercing a member of the public or anyone with whom the City does business or to whom the City provides services in such a way that adversely affects the legitimate interests and goals of the City;
- Harassing interference, stalking, malicious following with the intent of making a reasonable person feel fear for his/her safety;
- Unauthorized possession of a weapon or other inappropriate, threatening use of a dangerous instrument on City property.

Nothing in this policy alters any other reporting requirements established in other City policies or in federal, state or other applicable laws and regulations. Violations of this policy are subject to disciplinary action.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**PAYCHECKS  
(SAFE HARBOR)**

**POLICY:** It is the City's policy and practice to accurately pay employees on a bi-weekly basis in accordance with applicable union negotiated pay scales and bargained agreements on premium pay for union covered employees; by the provisions of the City's Compensation Ordinance for Elected, Appointed, Managerial/Confidential, Grant funded and hourly employees; and in accordance with all applicable NY State and federal laws. Hours paid are reflected on pay checks as regular hours, overtime hours, vacation, personal, jury duty, military leave, FMLA, and/or holiday hours. Deductions in pay are made when there are no time balances to cover an employee's absence from work, or as per disciplinary actions.

Certain deductions are made from the employee's pay checks for income taxes (FICA), Social Security, Medicare, and contribution to the NYS Employee's Retirement System in accordance with applicable federal and state laws. Other deductions are in accordance with employee contributions to selected benefits (as applicable) such as health insurance, disability insurance, deferred compensation, IRS 125 plans.

It is each employee's responsibility to verify the accuracy of each pay check against their own records of overtime worked and leave time taken. In the event that there is any question about the accuracy of work time reported or leave time taken, it is the employee's responsibility to notify their supervisor, departmental timekeeper, or the Payroll Supervisor at 422-1325. If you have not received satisfactory response within five business days after reporting the incident, please contact the Commissioner of Finance at 422-1233.

An inadvertent overpayment in an employee's paycheck may not be considered "a gift". It must be reported immediately or as soon as it is known by the employee or the department. Payrolls are subject to audit and review. When an overpayment is found to have been made and verified as an overpayment by the Department of Finance, the total amount of the overpayment must be returned by the employee, regardless of when the overpayment occurred. Depending on the amount and time in which the overpayment was made, arrangements can be made between the employee and the Commissioner of Finance for repayment on an incremental schedule.

Time sheets are maintained by each Department, signed by the Department Head or representative, and reported to Payroll as scheduled for each bi-weekly pay period by the Finance Department. Each employee's time and leave records are also maintained by their Department and reported bi-weekly to Finance. A report of each employees balances is made at the end of each fiscal year. Each Department is required to maintain documentation to support these records. Sample forms for tracking overtime and leave can be obtained from the Payroll Supervisor.

**It is a violation of this policy for any employee to falsify a time card or time sheets, either their own or another employee's. It is a serious violation for any employee or supervisor/manager to instruct another employee to incorrectly or falsely report hours worked or time balances used. If an employee is ever instructed to (1) incorrectly or falsely report their own hours worked or leave records, or to (2) falsely alter another employee's hours worked or leave records, they should report it immediately to the Personnel Officer. Every report will be investigated and any corrective action required, when appropriate, will be taken. The City will not permit retaliation of any form against an individual who reports an alleged violation of this policy.**



**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**SMOKING**

**POLICY:**

Smoking (defined as the inhaling, exhaling or burning of any tobacco or nicotine products in any manner or form) is **prohibited** in any indoor or outdoor enclosed area of the following:

City Hall, City Hall Annex, Public Library, Public Safety Building, Rec & Parks Administration building, Planning/Building, Purchase Building, DPW garages and maintenance facilities, or in any offices, buildings, or recreational facilities (owned or leased by the City); any vehicle (owned or leased) by the City; off premises while performing job duties or services dealing directly with residents or members of the public, (including but not limited to enforcement, inspections and site surveys), and particularly while in the presence of children and youths.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**EMPLOYEE IDENTIFICATION**

**POLICY: UNIFORMS**

As required by each Department Head, and confirmed by the Personnel Officer, employees in certain positions are required to wear designated uniforms identifying them as City employees performing assigned City functions.

The uniform is meant to present a professional and uniform image to the public; to promote compliance in safety or code enforcement; or to provide safety and protection to the employees.

All employees provided with uniforms are required to wear them; and to maintain them so they can be worn in a presentable and safe manner. Uniforms must be returned to the supervisor at the end of the last day of employment.

Failure to comply with this policy will be subject to disciplinary charges.

**POLICY: IDENTIFICATION BADGES**

Official picture identification (ID) badges are issued to all employees by the Personnel Department ( except for Police and Fire employees for whom the Department of Public Safety issues ID badges).

These badges are magnetized and may be programmed for authorized access to City buildings, parking lots and facilities.

All non-uniformed employees must wear their official picture ID badges displayed prominently at all times while at work sites to be identified as a City employees.

A lost or stolen badge must be reported immediately to the Personnel Department. A new badge should also be requested if any information is changed: name change, promotion/ new title, transfer to another department, etc. A new badge can be requested by calling the Personnel Department (422-1257) to make an appointment. Badges will be issued to new employees during orientation; hourly/temp staff should contact the Personnel Department before the first day of work.

ID badges must be returned to the Supervisor on the last day of employment along with City issues keys, beepers, phones, uniforms, etc. The Department must return the ID badge to the Personnel Department along with the PPAF removing the employee from the payroll. Any questions regarding official picture ID badges should be referred to the Personnel Department at 422-1257. Failure to comply with this policy will be subject to disciplinary charges.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURES**

**DUAL EMPLOYMENT**

**PURPOSE:** The dual employment policy is a City policy to be followed when a City employee is considered for employment in more than one position with the City or in an entity the U.S. Department of Labor would consider to be the same employer.

**DEFINITIONS:** Different Capacity-“Different capacity” means additional employment than the employees’ regular employment that is in a different occupational category using the definitions in the Dictionary of Occupational Titles. Except that any kind of security or safety function is never considered to be a different capacity for employees engaged in public safety related positions.

**Dual Employment-** “Dual employment occurs when an employee (full time, part time or hourly) is additionally employed (full time, part time or hourly) by the same or another department or an entity considered by the U.S. Department of Labor to be the “same employer” for Fair Labor Standards Act (“FLSA”) purposes such as, but not limited to, the White Plains Housing Authority.”

**Employee’s Option-**For purposes of this policy, work is considered to be accepted solely at the “employee’s option” only when the decision is made freely by the employee and the employee is free to refuse.

**Occasional or Sporadic-**“Occasional or sporadic” work is infrequent, irregular or occurs in scattered instances (e.g., assignments may not be every week or every other week). Assignments may still be “occasional or sporadic” even if anticipated, scheduled and recurring when such assignments are seasonal.

**POLICY:** It is the policy of the City of White Plains to prohibit “dual employment” except when it has been determined by the Personnel Department that the additional employment will not result in the hours worked in the different jobs having to be combined for purposes of determining overtime compensation under the FLSA.

The FLSA provides that where local government employees, solely of their option, work occasionally or sporadically on a part-time basis for the same agency in a different capacity from their regular employment, the hours worked in the different jobs shall not be combined for purposes of determining overtime liability under the FLSA, (See, 29 U.S.C. 201 Sec. 7 (P)(2)).

Dual employment can only be approved by the Personnel Department when an employee chooses solely of the “employee’s option,” to work “occasionally or sporadically” on a part time basis in a “different capacity” from the employee’s regular employment so that the hours worked in the different jobs are not required to be combined for purposes of determining overtime compensation under the FLSA.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURES**

**CYBER INFORMATION SECURITY BREACH &  
NOTIFICATION POLICY**

- I. This policy is consistent with the State Technology Law §208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State and the City of White Plains value the protection of *private information* of individuals. The City of White Plains is required to notify an individual when *data*, which is maintained by the City and contains the individual's *private information*, has been, or is reasonably believed to have been, compromised.
- II. The City, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures of its compromised *data*, must notify an individual, when it has been determined that there has been, or is reasonably believed to have been, a compromise of the individual's *private information* through unauthorized disclosure.
- III. A compromise of *private information* means the unauthorized acquisition of unencrypted computerized *data* with *private information*.
- IV. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.
- V. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- VI. The City will notify the affected individual directly by one of the following methods:
  - a. Written notice;
  - b. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the City that notifies affected persons in such form;
  - c. Telephone notification, provided that a log of each notification is kept by the City that notifies affected persons; or
  - d. Substitute notice, if the City demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the City does not have sufficient contact information. The following constitute sufficient substitute notice:
    - i. E-mail notice when the City has an email address for the subject persons:

- ii. Conspicuous posting of the notice on the City's web site page, if the City maintains one; and
  - iii. Notification to major statewide media.
- VII. The City must notify, CSCIC as to timing, content and distribution of the notices and approximate number of affected persons.
- VIII. The City must notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.
- IX. Regardless of the method by which notice is provided, the notice must include contact *information* for the City making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which elements of *personal information* and *private information* were, or are reasonably believed to have been, so acquired.
- X. This Policy applies not only to *information* maintained by the City itself, but also to *information* maintained on behalf of the City by a *third party*.
- XI. When more than 5,000 New York residents must be notified at one time, then the City must notify the *consumer reporting agencies* as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

**XII. DEFINITIONS**

- a. **Consumer Reporting Agency**: Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in a part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which used any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The state Attorney General is responsible for compiling a list of consumer reporting agencies and furnishing the list, upon request, to the City.
- b. **Data**: Any *information* created, stored (in temporary or permanent files), filed, produced or reproduced, regardless of the form or media. Data may include, but is not limited to, personally identifying *information*, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.
- c. **Information**: The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

- d. **Personal Information:** Any *information* concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.
  
- e. **Private Information:** *Personal information* in combination with any one or more of the following *data* elements, when either the *personal information* or the *data* element is not encrypted or encrypted with an encryption key that has also been acquired:
  - i. Social Security number; or
  - ii. Driver's License number or non-driver identification card number; or
  - iii. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account. "Private Information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.
  
- f. **Third Party:** Any non-municipal employee, by way of example shall include, but not be limited to, a contractor, vendor, consultant, intern, or other municipality

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURES**

**CANCER SCREENING AND BLOOD DONATION LEAVE**

**POLICY:     LEAVE FOR CANCER SCREENING**

Employees are entitled to up to four hours of leave in any twelve month period for the purpose of cancer screening without charge to leave accruals. Any time needed or used in excess of the four hours will be charged to existing time balances.

**POLICY:     LEAVE FOR BLOOD DONATION**

Employees who work 20 or more hours per week are entitled to three hours of leave in any twelve month period for the purpose of donating blood without charge to leave accruals. Anytime needed or used in excess of the three hours will be charged to existing time balances.

**PROCEDURE:** To request the use of the leave outlined above, the following procedure is required:

- 1) A scheduled appointment with a provider must be made in accordance with existing departmental procedures for leave request and approval; and/or with a minimum of two weeks notification to the supervisor, unless specifically approved with less notification by the supervisor. Effort should be made not to unduly disrupt work schedules (a supervisor may ask that an employee reschedule a screening or donation in an emergency).
- 2) A copy of a doctor's note, lab, radiology or other satisfactory proof must be given to the supervisor, indicating the date and time of the scheduled screening or blood donation to credit the appropriate number of hours to time sheets.

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURES**

**PRE-EMPLOYMENT BACKGROUND INVESTIGATION & DRUG TESTING**

**POLICY:** The City of White Plains recognizes that public employees have an obligation to uphold the public trust. In order to insure the safety and health of our employees, residents, customers and the general public, and to secure property and uphold the public interest and trust, the City of White Plains will conduct pre-employment background investigations and drug testing.

**All candidates** for City employment shall truthfully disclose the existence of any 1) conviction for any violation of law other than a minor traffic violation, 2) pending criminal charge and/or 3) removal from employment and provide the City with a written description using the "Disclosure and Consent Form". The existence of a conviction and/or removal from employment does not represent an automatic bar to employment, but false, misleading or incomplete statements on the application or accompanying papers may result in termination. Pending criminal charges, in most cases, may result in a withdrawal of a conditional offer of employment until the charge reaches final disposition.

**Full-time candidates** who receive a conditional offer of employment with the City shall undergo a pre-employment background investigation and drug testing in accordance with this policy. Former City employees who are seeking re-employment are also subject to this policy. Police Officer and Fire Fighters will continue background investigations using procedures mandated by State and Federal Law and Department of Public Safety requirements.

An individual who receives a conditional offer of employment with the City must complete the pre-employment background investigation and drug testing prior to commencement of employment. Nevertheless, special circumstances, when certified by the Personnel Officer, may require an applicant to start work before the pre-employment background investigation and drug testing are completed. In such situations, any offer of employment remains conditional on the completion, and satisfactory review of, the background investigation and drug testing.

Prior convictions may be a significant factor in the hiring decision if the conviction has a direct relationship to the specific employment sought or if the employment would involve an unreasonable risk to property or to the safety or welfare of the general public or specific individuals. The City will follow NYS Corrections Law, Article 23-a, Section 753 to determine if a candidate with a conviction is unsuitable for employment.



## **PROCEDURE:**

**I. Notification and Authorization:** Notice of the pre-employment background investigation is provided in the "Employment/Civil Service Exam Application" and when signed by an applicant, authorizes the City to conduct a pre-employment background investigation that includes fingerprinting and drug testing. Such investigation may be conducted to determine suitability for appointment. Failure to meet the standards of the investigation or provide truthful statements on the application may result in disqualification or termination of employment.

**II. Criminal Convictions:** Consistent with the City's Affirmative Action Policy as amended on July 1, 2015, applicants will not be required to disclose a prior record of criminal convictions until selected for interview, at which time they will be given the "Disclosure and Consent Form for Background Investigation" to fill out and give to the interviewer in a sealed envelope to be forwarded to the Personnel Department for initial Preclearance of qualifications.

**III. Initial Evaluation:** All applicants are required to inform the City if they have been convicted of any violation of law other than a minor traffic violation, have any criminal charges pending or if they have ever been removed from any type of employment. If an applicant discloses the existence of a Background Incident on the "Disclosure and Consent Form" they must provide the City with a written explanation of the circumstances which led to the incident, including the nature of the incident, the penalty imposed, the length of time elapsed, age at time of the incident and any rehabilitative efforts undertaken. This form also authorizes the City to further investigate the applicant's background.

**IV. Conditional Offer of Employment:** Full-time, pre-cleared applicants who receive a written conditional offer of employment with the City will undergo fingerprinting by the Department of Public Safety for a criminal background investigation through the New York State Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). Additional investigative measures may be taken if warranted.

Also, consistent with the City's Comprehensive Drug Free Workplace Policy and Procedures, and commitment to maintain a safe, alcoholic and drug-free work environment, applicants will undergo a urinalysis, breath and/or blood test prior to a final offer of employment.

A conditional offer of employment letter will be provided by the Department Head and/or designee after the Personnel Officer reviews the applicant's written explanation of conviction and/or removal from employment (if applicable). The letter will include an attachment stating the requirements of the criminal background investigation, and the schedule and location of the lab to perform the drug test. The issuance of a conditional offer of employment, after reviewing disclosed Background Incidents, does not constitute a finding that a candidate is suitable for employment. A positive (non-prescribed) drug test will result in a withdrawal of the conditional offer of employment.

**V. Candidate Processing:** After issuing a conditional offer of employment the Department Head or/designee:

- a. Sends a copy of the conditional offer of employment letter to the Personnel Department.
- b. At orientation, the applicant will be given instructions and referral form for scheduling\* fingerprinting and drug tests:
  - i. Fingerprinting - Department of Public Safety
  - ii. Drug Test - Approved Lab

\*Since the Lab is only open from Mon-Fri 8:30 AM – 3:30 PM, orientation should not be made on a Friday afternoon or before a holiday.

**VI. Charges:** The fee for the fingerprinting and drug test will be billed to hiring department regardless of the outcome and the resulting employment of the applicant.

**VII. Assessment of the Candidate:** Once completed, the Personnel Officer or designee will review the Criminal History Record Information (CHRI) and all pertinent information to determine suitability for employment. The final approval or rescinding of a conditional offer of employment on the basis of the CHRI shall be decided by the Personnel Officer, or designee, using the “Background Investigation Review Worksheet” based on the factors contained in NYS Corrections Law Article 23-a.

**VIII. Employment Decision:**

- a. The Personnel Officer, or designee, will notify the Department Head or designee, of the outcome of the CHRI Review, indicating whether or not the candidate is suitable for employment.
  - i. If the candidate IS suitable for employment, the Personnel Officer, or designee, will inform the department to proceed with the hiring process. CHRI will not be disclosed to the hiring department.
  - ii. If the candidate IS NOT suitable for employment, the Personnel Officer, or designee, will inform the hiring department that a letter should be sent to the candidate rescinding the conditional offer of employment due to the results of the background investigation.
- b. At the written request of a candidate who is denied an offer of employment, the Personnel Officer shall provide a written statement to the candidate within 30 days regarding the reasons for the denial of employment (NYS Corrections Law Article 23-a, Section 754).

**IX. Records Retention and Access:**

- a. Access and storage of CHRI shall be in compliance with the DCJS Use and Dissemination agreement.
- b. The CHRI shall be retained only for the duration of the appointment/investigation process. Thereafter, the CHRI must be destroyed in accordance with established methods used for disposing confidential documents.
- c. Secondary dissemination of CHRI received from DCJS and/or FBI is not permitted for any reason unless specifically authorized by law.
- d. The CHRI is not to be given to or reviewed by the applicant. If a candidate is interested in reviewing their CHRI, the candidate should be directed to contact DCJS for the purpose of conducting a Record Review.

**REFERENCE:** Civil Service Law 50, subdivision 4  
New York Corrections Law Article 23-a

**CITY OF WHITE PLAINS  
POLICY AND PROCEDURE**

**SOCIAL MEDIA POLICY**

## **Policy**

Recognizing the need for greater citizen engagement and the need to receive and convey important and possibly urgent information to the public, this policy is to establish procedures and guidelines for all City employees, volunteers and contractors representing the City in the creation and use of social media as a method of communication. Social media is defined as any website or application that allows people to share information in a virtual environment. The City's social media sites shall be used to promote the City, its services and events.

Only those employees and officials specifically authorized as the Social Media Administrator ("Administrator") by the Mayor's Office, Department Head, and the Chief Information Officer are permitted to post and monitor communications sent or received on the City's official social media sites websites. The City reserves the right, as delegated to each Administrator, to monitor content posted on its social media web applications, web sites and web accounts, and to modify or remove any content that it deems, in its sole discretion, to be abusive, offensive, defamatory, commercial or spam, in violation of copyright, trademark rights or other intellectual property of any third party, or otherwise inappropriate. In addition, the City reserves the right to edit or modify postings for space, and to reproduce comments, posts and messages in other public venues.

Postings must be accurate, respectful, and appropriate; and may not include confidential or private information. Errors or inappropriate content must be corrected or removed immediately. Content may not include what would reasonably be viewed as false, malicious, obscene, threatening, intimidating, or disparaging. Nor may they include offensive posts on the basis of age, race, color, religion, national origin, gender identity, military status, criminal convictions or any classification protected by Federal, State or local law.

The procedures and guidelines contained in this Policy must be followed, as well as those in the City's Code of Ethics and Personnel Policies on Information, Affirmative Action, Non-Discrimination and Harrassment, Workplace Violence, and Safety/Security. Violations are subject to disciplinary action.

## **Procedures**

## **I. Posting, Updating, and Responding**

Social media sites are primarily to be used by City departments as a way to provide information and interact with the public to provide the best service possible. Typical uses for social media sites include promoting events or programs, issuing public notices, alerting the public to closures, program cancellations, rescheduled services, emergency situations, and encouraging feedback from the public.

All City social media pages must include an introductory statement that clearly specifies: (1) its purpose and topical scope; (2) the City's Social Media Terms of Use and contact information; and (3) that all posts and content are subject to public records law. Where possible, links to the City's website, the City's Social Media Policy, Social Media Terms of Use and other City social media accounts should be provided.

- \* Any social media site used for City business must be approved by the Chief Information Officer;**
- \* Department Heads will designate one or more social media Administrators to maintain department pages. Once approved by the IT department, social media Administrators will be assigned a user ID and password by the IT department specifically for social media. Social media Administrators will have authority to edit, update, post information and respond to comments and questions by the public in accordance with this policy;**
- \* The social media Administrators will check facts, cite sources, present balanced views, acknowledge and correct errors and check spelling and grammar before publishing any posts;**
- \* The social media Administrators will monitor and post to social media pages, check for user comments that require responses and delete anything that violates the City Social Media Terms of Use at least once per day, during normal business hours;**
- \* The department head (or representative) must approve, prior to posting, any content that has not been previously posted on the City website or other social media pages, including responses to public comments. The approval may be given verbally (including over the phone) or by email, if necessary, as timeliness of responses is important;**
- \* No City employee personal information, including e-mail addresses, shall be posted on these sites;**
- \* If a social media Administrator does not know the answer to a question posted by a user, the Administrator must contact the appropriate staff to obtain the correct answer and post it as soon as possible, or within the next business day. It may be necessary to inform the user that further information may be needed and a response will be forthcoming;**
- \* If a social media Administrator accidentally posts an inaccurate statement, they are to post the correct information as soon as possible and acknowledge the mistake;**
- \* It is appropriate to correct inaccuracies posted by users, but do not engage in debate;**

\* Anyone posting on behalf of the City is representing the City and should act accordingly. No personal political or religious comments or beliefs shall be posted on a City social media site;

\* References to information posted on the City website should include hyperlinks back to the website when applicable;

\* Post time sensitive information, such as program cancellations or emergency information, as soon as possible; and

\* The City's social media sites may contain links to other social networking sites or websites that are not owned, regularly reviewed or controlled by the City. The City's social networking sites shall not provide links to external sites that are strictly political or religious in nature. Direct links should not be construed as an endorsement or sponsorship of these external sites, their content, or their hosts. The City is not responsible for the content, quality, accuracy or completeness of any offsite materials referenced by, or linked through, the City's social media sites.

## II. Posting Images

Social media Administrators should be careful not to infringe on copyrights when posting images. The Administrator may be required to obtain permission from and/or credit the photographer or artist prior to posting such material. The following images are permissible to post:

\* Original images created by City employees for use by the City;

\* Original images created by a professional photographer/artist who has granted the City permission to post such images;

\* Any media the City currently holds a license to reproduce;

\* Microsoft clip art;

\* Google Images Advanced Search. MUST SELECT: User Rights – Labeled for reuse with modification.

## III. Public Comment Policy and Removing Posts

Any post that violates the City Social Media Terms of Use must be documented for records retention and removed immediately, with notification to the user of the violation of the Terms of Use. The City Social Media Terms of Use reads as follows:

## CITY OF WHITE PLAINS SOCIAL MEDIA TERMS OF USE

The purpose of this platform is to encourage courteous and civil communication between the City and the public that is appropriate for all users. Comments will not be edited by staff, but may be deleted if found to be in violation of this policy. The City reserves the right to remove comments and/or content after thirty days, or as otherwise deemed appropriate by its department managers and/or IT department. The appearance of external links on this site does not constitute official endorsement on behalf of the City. This site is not monitored at all times. Please do not use this site to report emergency situations or time-sensitive issues. All posts and content on this site are subject to "Freedom of Information Law" and "Local Government Records Law." By engaging with the City over social media, you are agreeing to the Terms of Use set forth herein.

Posts and content (including profile pictures or avatars, usernames or email addresses) that contain any of the following shall not be allowed:

Content unrelated to the posted topic for the City's social media page. Off topic posts or repetitive posts may be removed.

Obscene, profane, violent, threatening, hateful, harassing or offensive language or content.

Personal attacks of any kind, including comments on that target, disparage or discriminate against any race, creed, color, age, religion, gender, marital status, national origin, physical or mental disability, physical appearance, sexual orientation or financial status.

Defamation or accusations of criminal, unethical or immoral conduct or activities. If a person believes there is a legitimate complaint against the City or a City employee, the person should contact the appropriate department director via telephone or email.

Sexual content, sexual references or sexual innuendos, or links to any such material and content.

Solicitations, advertisements or endorsements of any financial, commercial, or non-governmental agency or entity.

Conduct or encouragement of illegal activity or posting of material that violates any copyrights or trademarks of others.

Content or comments that compromise the safety or security of the public or public systems.

Invasion of an individual's right to privacy

Promoting or opposing political campaigns or ballot measures

Spam or suspected spam, or any links to such content

The City is not liable for content posted to this site by persons other than employees of the City and reserves the right to restrict, edit or remove any content deemed in violation of this Social Media Terms of Use, or any applicable law. This policy is subject to amendment or modification at any time.

Social media sites are not to be used to report criminal activity or emergencies. If you have information for law enforcement, please contact your local police agency. Additionally, City social media sites will not constitute an official form of communication for legal notice, specific requests for service, public records requests, registering a complaint, or filing a claim.

Members of the media are asked to send questions directly to the Mayor's Office, and refrain from submitting questions here as comments.

The Department of Public Safety's website enables the reporting of criminal activity, including anonymous tips. If you have an **EMERGENCY**, please **CALL 911**.

Thank you for taking the time to review the City of White Plains Social Media Terms of Use.

#### IV. Records Retention

The City's social media pages are subject to New York State's "Freedom of Information Law" and "Local Government Records Law," which is broadly construed. New York's public records law extends to websites, blogs and social media sites, including personal messaging. All content will be captured and retained in accordance with standard City records retention policies and all applicable law.

#### VI. Data Tracking

Most social media sites offer some mechanism for capturing data or tracking user trends and activity. It is the responsibility of the social media Administrators to use these applications to ensure the most effective use of social media outlets.

#### VII. References, Links and Embedded Content Policy

\* Any references or links to a specific entity, product, service or organization posted by individuals on the City's social media sites should not be considered an endorsement by the City or its departments or employees.

\* The City does not review, sponsor, or endorse any other website(s) linked to the website. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service.

\* The City is not responsible for the content that appears on these external links.

\* The City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its content except those that link directly to the City website.

\* The City reserves the right to delete links posted by individuals.



## VIII. Privacy

\* All users of the City social media sites or platforms are also subject to the privacy policies of that site or platform (i.e. Twitter or Face Book). The City has no control over third parties' privacy policies or modifications to such policies.

\* To protect your own privacy and the privacy of others, please do not include personal information, such as your Social Security number, phone numbers or email addresses in your comments or posts.

\* City employees accessing social media on City equipment should have no expectation of privacy, and may be subject to disciplinary action if found in violation of this Policy or the City's Information Technology Policy.

## IX. Copyright Policy

\* The City retains the rights to all text, graphics and other content found on its social media sites that was produced by the City.

\* Any use of the City seal or logo is prohibited without the express written permission of the City.

\* **Third Party Copyright:** Content that violates a legal ownership interest of any party or copyright should not be posted or submitted in any form without permission of the rights holder. Any person redistributing information subject to a third party copyright via the City's social media sites must adhere to the terms and conditions of the third party copyright holder.

## X. Disclaimers

\* The City strives to post accurate and relevant content, but does not guarantee the accuracy of any information posted on its social media sites and assumes no liability for damages resulting from reliance on any inaccuracies.

\* The City does not guarantee that the social media sites will be uninterrupted, permanent or error-free.

\* The City reserves the right to modify this policy at any time.

## **POLICY AGAINST WORKPLACE SEXUAL HARASSMENT**

### **Introduction**

The City of White Plains is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the City's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, interns, non-employees (as defined below) and other persons conducting business with the City have a legal right to a workplace that is free from sexual harassment.

The City is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see the Affirmative Action /Equal Employment Opportunity Policy; Non-Discrimination on the Basis of Disabilities Policy and Anti-Discrimination and Harassment Policy.

### **Policy**

This Policy applies to all employees, applicants for employment, interns, non-employees (see definition below), and other persons conducting business with the City, regardless of immigration status, ("covered individuals") with respect to conduct by other persons.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the City.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the City's Policies, unlawful, and may subject the City to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the City will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

### **What is “Sexual Harassment?”**

Sexual harassment is a form of sex discrimination and is unlawful pursuant to federal, State and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status when:

- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “*quid pro quo*” harassment.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.
- Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
  - Sabotaging a person's work; and
  - Bullying, yelling or name-calling.

### **Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

## **Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

### **Retaliation is Prohibited**

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated.

No covered individual will be subject to adverse action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the City will be implemented.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours).

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to his/her Department Head or the City's Personnel Officer. If the complaint involves or the individual is hesitant to report to his/her Department Head or the Personnel Officer, the individual should report the conduct to the City's Corporation Counsel.

Contact information for these individuals can be found on the City's website: [www.cityofwhiteplains.com](http://www.cityofwhiteplains.com).

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "Legal Protections."

### **Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The City cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to his/her Department Head. If the complaint involves or the individual is hesitant to report to his/her Department Head, the behavior should be reported to the City's Personnel Officer. If the complaint involves or the individual is hesitant to report to the City's Personnel Officer, the individual is encouraged to report the behavior to the City's Corporation Counsel.

Contact information for these individuals can be found on the City's website: [www.cityofwhiteplains.com](http://www.cityofwhiteplains.com).

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections."

### **Supervisory Responsibilities**

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is **required** to report that suspected sexual harassment to the City's Personnel Officer, irrespective of whether the

affected individual files a complaint. If the complaint or information involves the City's Personnel Officer, the supervisor/manager must report the suspected sexual harassment to the City's Corporation Counsel.

Contact information for these individuals can be found on the City's website: [www.cityofwhiteplains.com](http://www.cityofwhiteplains.com).

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

### **Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. City will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The City's Law Department, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the City's Law Department, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the City's Law Department, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the City's Law Department, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the City will take steps to obtain and preserve them.

- The City's Law Department, or designee, will request and review all relevant documents, including all electronic communications.
- The City's Law Department, or designee, will interview all parties involved, including any relevant witnesses.
- All records of the investigation will be maintained in a secure and confidential location.
- The City's Law Department, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The City's Law Department, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.

### **Corrective Action**

Any person, including covered individuals of every level who, upon an investigation in accordance with this Policy, is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension or termination of employment).

If the sexual harassment involves a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the City and the non-employee or other individual.

### **Confidentiality**

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the City to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

### **Bad Faith Claims**

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the City may be taken against that person, subject to any statutory or contractual limitations.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the City, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the City, covered



individuals may also choose to pursue legal remedies including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

### **New York State Human Rights Law (HRL)**

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 *et seq.*, applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment. If an individual did not file at the DHR, they can sue directly in State court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the City does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Westchester County Office is: 7-11 South Broadway, Suite 314, White Plains, New York 10601, Telephone No. (914) 989-3120, eFax: (914) 989-3122, InfoWhitePlains@dhr.ny.gov, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e *et seq.*). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Westchester County may file complaints of sexual harassment with the Westchester County Human Rights Commission at: 112 East Post Rd., 3rd Fl. White Plains, NY 10601, Phone: (914) 995-7710.

### **Contact the Police Department**

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

### **Dissemination and Training**

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The City will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All employees will receive sexual harassment prevention training at least annually.

**We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.**

## SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your Department Head. If your complaint involves or you are hesitant to submit this form to your Department Head, you should submit the form to the City's Personnel Officer. If your complaint involves or you are hesitant to submit this form to the City's Personnel Officer, you should submit this form to the City's Corporation Counsel. Contact information for these individuals can be found on the City's website: [www.cityofwhiteplains.com](http://www.cityofwhiteplains.com). This form can be submitted by hand delivery or e-mail. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the City will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

### COMPLAINANT INFORMATION

Name: \_\_\_\_\_  
Work Address: \_\_\_\_\_  
Work Phone: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Email: \_\_\_\_\_  
Select Preferred Communication Method:  Email  Phone  In person

### SUPERVISORY INFORMATION

Immediate Supervisor's Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Work Address: \_\_\_\_\_

### COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing?  Yes  No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

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*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

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If you retained legal counsel and would like us to work with them, please provide their contact information.

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*I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.*

*Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_

## **CITY OF WHITE PLAINS POLICY AND PROCEDURE**

### **City of White Plains Public Health Emergency Operations Plan (as required by NYS Labor Law Section 27-c)**

#### **Overview**

NYS Labor Law Section 27-c requires public employers, such as the City of White Plains (the "City"), to adopt a plan for the continuation of operations in the event the governor declares a state disaster emergency involving a communicable disease ("NYS Disease Emergency").

#### **Planning assumptions**

This plan was developed to include the requirements of NYS Labor Law Section 27-c, as amended, and is based on information, best practices, and guidance available as of the date of the plan.

The following assumptions have been made in the development of this plan:

- The health and safety of City employees, their families and residents is of the utmost importance;
- The public expects the City to maintain a level of essential operations;
- Supply chains, including for personal protective equipment and cleaning supplies, may be affected, resulting in considerable delays in procurement;
- Labor Law Section 27-c states "Essential' shall refer to a designation made that a public employee is required to be physically present at a work site to perform his or her job. Such designation may be changed at any time in the sole discretion of the employer."
- Labor Law Section 27-c states "Non-essential' shall refer to a designation made that a public employee is not required to be physically present at a work site to perform his or her job. Such designation may be changed at any time in the sole discretion of the employer."

#### **I. Concept of Operations**

The Mayor or his/her designee has the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations and adjustments to the plan, may be supported by additional personnel at the discretion of the Mayor or his/her designee.

At the end of a NYS Disease Emergency, the Mayor or his/her designee will direct the resumption of normal City operations or operations with modifications, as necessary.

## **Essential Functions**

Essential functions are those functions that enable the City to:

- Maintain the safety of employees, residents, businesses and visitors;
- Provide vital services;
- Provide services required by law; and
- Sustain quality operations.

The attached Appendix A lists the departments and types of positions that will be considered Essential in the event that a NYS Disease Emergency requires a state-ordered reduction of in-person workforce. All types of positions not listed in Appendix A shall be considered Non-essential. In the event of a NYS Disease Emergency, in his/her sole discretion, the Mayor or his/her designee may:

- modify Appendix A as may be required; and
- suspend, postpone, or limit certain programs, services and/or activities to enable the City to concentrate on providing essential functions, reducing exposure and building the capability to restore full operations.

## **II. Reducing Risk through Remote Work and Staggered Work**

A Department Head, at the direction of or with approval by the Mayor or his/her designee, shall reduce density at work sites by assigning certain employees to work remotely and by staggering work hours.

### **Remote Work Protocols**

Non-essential employees who can accomplish their functions remotely will be enabled to do so to the greatest extent possible. The City will provide for:

- Identification of employees who can and will work remotely;
- Approval and assignment of remote work;
- Equipping employees for remote work, which may include:
  - a. providing access to the City's VPN network;
  - b. providing peripherals, if necessary;
  - c. providing necessary software and databases; and
  - d. providing access to the City's telephone system

## **Staggered Shifts**

Subject to approval by the Mayor or his/her designee, implementation of staggered shifts may be possible for employees performing duties which are necessary to be performed on-site, but are less sensitive to being accomplished within certain hours. If possible, management will identify opportunities for employees to work outside regular business hours (or during a subset of hours) as a strategy to limiting exposure. The goal is to give all employees an opportunity to work their regular number of hours. Staggering shifts requires:

- Identification of positions for which work hours will be staggered; and
- Approval and assignment of changed work hours.

The Mayor or his/her designee may close City Hall and other City buildings and facilities to the public and may limit the number of persons allowed at any one time in City Hall and other City buildings and facilities.

## **III. Personal Protective Equipment**

The use of personal protective equipment ("PPE") to reduce the spread of communicable disease is important to support the health and safety of City employees.

The City will:

- Identify needs for PPE based on job duties and work location;
- Procure and maintain sufficient stock and provide access to PPE; and
- Ensure that essential employees are provided PPE during any given work shift.

Employees will have access to PPE in the event of a NYS Disease Emergency.

The supply of PPE will be monitored to ensure integrity and to track usage rates. Excess PPE stock will be stored in the City Purchase Department building to prevent degradation. The City Commissioner of Purchase will be responsible for monitoring and maintaining the stock of PPE.

## **IV. Employee Exposures**

Response to employee exposures to a communicable disease will be based on the type of exposure and presence of symptoms. Following current US Department of Health and Human Services Centers for Disease Control and Prevention ("CDC") and NYS and Westchester County Health Departments ("Health Departments") guidelines, the City has established the following protocols:

If employees are exposed to a known case of the communicable disease that is the subject of the NYS Disease Emergency, **employees must follow then current CDC and Health Departments quarantine and isolation guidelines as they may be**

**established from time to time.** As of the adoption of this plan, such guidelines provide that:

1. An exposed employee who does not have symptoms should remain at home or in a comparable setting and practice social distancing.
2. An exposed employee will be permitted to work remotely during this period of time.
3. Such employees must notify their supervisor. The head of such employees' Department ("Department Head") is responsible for ensuring that these protocols are followed.

Current CDC guidelines provide that Essential employees may be permitted to continue to work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees, and the community, including that:

1. In person interactions with an exposed Essential employee will be limited as much as possible.
2. The employee must wear PPE at all times.
3. The employee's work area will be disinfected according to current CDC and Health Departments' protocols as often as practical.
4. If at any time an employee exhibits symptoms, he/she should no longer come in to work (refer to the next section).
5. The Department Head, in conjunction with the Mayor or his/her designee, is the decision maker in these circumstances and is responsible for ensuring these protocols are followed.

If an employee exhibits symptoms of the communicable disease that is the subject of the NYS Disease Emergency:

1. An employee who exhibits symptoms in the workplace should be immediately separated from other employees and community members. He / s h e should be immediately sent home.
2. An employee who exhibits symptoms outside of work should notify his/her supervisor and stay home.
3. Such employees should not return to work until they have met the criteria to discontinue home quarantine or isolation as per CDC and Health Departments guidance.
4. Current CDC guidelines for communicable disease, such as COVID-19, provide that persons exhibiting symptoms may return to work without testing if 10 days after symptoms first appear if no further symptoms appear. Severely ill employees may need more than 10 days to recover.
5. The Department Head and the Mayor or his/her designee must be informed in these circumstances. The Department Head is responsible for ensuring these protocols are followed.

If an employee has tested positive for the communicable disease that is the subject of the NYS Disease Emergency:

1. Apply the steps in the previous section.
2. Work areas occupied for prolonged periods of time by the subject employee will



- be closed off until they are disinfected.
3. Pursuant to current CDC guidance, a communicable disease such as COVID-19 indicates that a wait period of 24 hours is ideal before cleaning, disinfecting and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC and Health Departments guidance will be followed.
  4. Any common areas entered, surfaces touched, or equipment used by such employee will be cleaned and disinfected.
  5. Identification of potential employee exposures will be conducted.
  6. If an employee is confirmed to have the disease, the supervisor and Department Head should inform all contacts of their possible exposure. Confidentiality will be maintained.
  7. The Mayor or his/her designee must be notified in these circumstances. The Department Head is responsible for ensuring these protocols are followed.

We recognize there may be nuances or complexities associated with potential exposures, close contact, symptomatic persons, and those testing positive. The City will follow CDC and Health Departments recommendations and requirements.

#### **V. Contact Tracing**

Department Heads will implement a system to document work hours and locations of City employees, including off work site visits, to support contact tracing efforts. By keeping such records, the City will be better able to trace City employee exposure to the disease that is the subject of the NYS Disease Emergency, if necessary.

#### **VI. Cleaning and Disinfecting**

CDC and Health Departments guidelines will be followed for cleaning and disinfection of surfaces/areas. Current guidance for routine cleaning during a NYS Disease Emergency includes:

- If possible, employees will clean their own workspaces at the beginning, middle, and end of their shifts.
- If buildings are closed to the public, they may be cleaned once per work day. If buildings are open to the public, implementation of the cleaning schedule will be determined by the function and traffic level of the building.
- City vehicles will be cleaned prior to a change in operator and in no case less than once per day.
- City employees tasked with cleaning and disinfecting will be issued and required to wear PPE appropriate to the task.
- Soiled surfaces will be cleaned with soap and water, or equivalent, prior to being disinfected.
- Surfaces will be disinfected with products provided by the City that meet EPA criteria for use against the communicable disease that is the subject of the NYS Disease Emergency and which are appropriate for that surface. Staff will

follow instructions of cleaning to ensure safe and effective use of the products.

### **VII. Employee Leave**

Employees will be provided with any applicable federal and state paid leave for the period during which the employee is unable to work due to testing, treatment, isolation or quarantine. Any additional time off will be charged as sick, vacation, personal or compensatory leave, depending on the circumstances and in accordance with City policies. Additional policies may be enacted based upon need and the guidance and requirements of federal and state employment laws, executive orders and other sources.

### **VIII. Housing for Essential Employees**

There are circumstances during a NYS Disease Emergency when it may be prudent to have Essential employees lodged in emergency housing to help prevent exposure and the spread of a communicable disease and to have such employees readily available to provide services. If such a need arises, in the sole discretion of the City, the City will identify such emergency housing, which will likely be hotels in the area.

## APPENDIX A

The following types of positions will be considered essential in the event of a state-ordered reduction of in-person workforce:

<b>DEPARTMENT</b>	<b>TYPES OF POSITIONS</b>	<b>PRIORITY</b>
Building	Code enforcement officers, building inspectors, supervisors and support staff.	1
Building	Plan examiners and support staff.	2
City Clerk	Clerk and support staff.	2
Cable	Media aides and supervisor.	2
Finance	Senior account clerks, bookkeepers, employee benefits clerk, accountants, supervisors and support staff.	2
Information Technology	Computer network specialists, computer network technicians and supervisors.	2
Law	Attorneys, supervisor and support staff.	2
Mayor's Office	Non-elected staff (office to remain open during business hours)	2
Parking	Parking/code enforcement officers, parking enforcement officers, ramp attendants, cashiers, collection clerks and laborers.	1
Parking	Bookkeepers and support staff.	2
Parking (Traffic Division)	Transportation engineer, traffic signal installer, sign installer, supervisors and support staff.	1
Parking (Violations Division)	Cashiers, supervisors and support staff.	1
Public Safety	Commissioners and support staff.	1
Public Safety (Fire Bureau)	Fire fighters, supervisors and support staff.	1
Public Safety (Fire Bureau)	Fire fighters in code enforcement and support staff.	1
Public Safety (Police Bureau)	Police officers, supervisors and support staff.	1
Public Works (Administration)	Code enforcement officers, safety coordinator and supervisors.	1
Public Works (Administration)	Bookkeepers, administration officer, and support staff.	2
Public Works (Engineering Bureau)	Engineers, contract clerks, engineering technicians, asst. construction coordinators, construction coordinators, design coordinators, computer systems coordinators, supervisors and support staff.	2

Public Works (Facilities Bureau)	Building service workers, messenger, supervisors, laborers and support staff.	1
Public Works (Garage and Shop Bureau)	Maintenance mechanics, laborers, auto stock clerks, auto mechanics welders, lead mechanics, supervisors and support staff.	1
Public Works (Highway and Parks Bureau)	Motor equipment operators, dispatchers, laborers, maintenance mechanics, street lighting, supervisors and support staff.	2
Public Works (Sanitation Bureau)	Sanitation workers, drivers and supervisors.	1
Public Works (Waste Water Bureau)	Motor equipment operators, maintenance mechanics, lead waste water maintenance mechanics, crew leaders, supervisors and support staff.	1
Public Works (Water Bureau)	Water plant operator, laborers, water maintenance workers, lead water maintenance workers, engineers, electronic field technicians and supervisors.	1
Public Works (Water Bureau)	Senior account clerks, bookkeepers, engineers, drafters, supervisors and support staff.	2
Purchase	Assistant buyer, clerks and supervisors.	2
Recreation & Parks	Senior Center Director, recreation supervisors, recreation leaders, bus driver/custodian, supervisors and support staff involved with providing and distributing meals.	2

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*\*Priority 1 = employees are essential and required on-site. Priority 2 = employees are essential, but flexible as to scheduling/location of work*



## City of White Plains, New York

### Notice of New Health Insurance Marketplace Coverage Options and Your Health Coverage PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment-based health coverage offered by the City of White Plains.

#### **What is the Health Insurance Marketplace?**

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" that allows you to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

#### **Can I Save Money on my Health Insurance Premiums in the Marketplace?**

You may qualify to save money and lower your monthly premium, but only if the City of White Plains does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

#### **Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?**

Yes. If you have an offer of health coverage from the City of White Plains that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in the City of White Plains' health plan. However, you may be eligible for a tax credit that lowers your monthly premium or a reduction in certain cost-sharing if the City of White Plains does not offer coverage to you at all or does not offer coverage that meets certain standards. You may be eligible for a tax credit if the cost of a plan from the City of White Plains that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage the City of White Plains provides does not meet the "minimum value" standard set by the Affordable Care Act. An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

**Note:** If you purchase a health plan through the Marketplace instead of accepting health coverage offered by the City of White Plains you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution, as well as your employee contribution to employer-offered coverage, is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

#### **How Can I Get More Information?**

For more information about your coverage offered by the City of White Plains, please contact the City of White Plains Benefits Office at 914-422-1239 or [benefits@whiteplainsny.gov](mailto:benefits@whiteplainsny.gov). The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit [www.HealthCare.gov](http://www.HealthCare.gov) for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.



**City of White Plains, New York**

**Notice of New Health Insurance Marketplace Coverage Options and Your Health Coverage  
PART B: Information about Health Coverage Offered by the City of White Plains**

This section contains information about health coverage offered by the City of White Plains. If you decide to complete an application for coverage in the Marketplace you will be asked to provide this information. Here is some basic information about health coverage offered by the City of White Plains:

- The City of White Plains offers health coverage to all employees defined as **full-time** employees in accordance with Section 4980H of the Patient Protection and Affordable Care Act and any amendments thereto.
- The City of White Plains offers health coverage to spouses and dependent children under age 26 of City of White Plains employees whose health coverage is provided pursuant to a collective bargaining agreement between the City of White Plains and a collective bargaining unit or pursuant to a City of White Plains ordinance adopted by the Common Council of the City of White Plains.
- This coverage meets the minimum value standard, and the cost of this coverage to you is intended to be affordable based on employee wages.
- Even if the City of White Plains intends your coverage to be affordable, you may still be eligible for a premium discount through the Marketplace. The Marketplace will use your household income and other factors to determine whether you may be eligible for a premium discount. For example, if your wages vary from week to week (perhaps you are an hourly employee), if you are newly employed mid-year or if you have other income losses you may still qualify for a premium discount. If you decide to shop for coverage in the Marketplace, HealthCare.gov will guide you through the process.

Following is the employer information to enter when you visit HealthCare.gov to find out if you can get a tax credit to lower your monthly premiums. This information is numbered to correspond to the Marketplace application.

<b>3. Employer Name</b> City of White Plains		<b>4. Employer Identification Number (EIN)</b> 13-6007339
<b>5. Employer Address</b> 255 Main St., Suite 102		<b>6. Employer Phone Number</b> 914-422-1239
<b>7. City</b> White Plains	<b>8. State</b> NY	<b>9. Zip Code</b> 10601-2409
<b>10. Who can we contact about employee health coverage at this job?</b> City of White Plains Benefits Office		
<b>11. Phone Number (if different from above)</b>	<b>12. Email Address</b> benefits@whiteplainsny.gov	