



George Latimer, Westchester County Executive  
County Board of Legislators

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# Westchester County & You\*

## **THE COUNTY AS AN EMPLOYER**

Working for a public employer gives you certain advantages because many of the terms and conditions of employment are covered by established Civil Service rules and other state laws.\*\*

From time to time, it may become necessary to revise County policies. Therefore, Westchester County reserves the right to change the policies contained herein.

**This updated Employee Handbook replaces all earlier versions.**

\* Nothing contained in this Handbook shall be construed to deny or restrict to any employee the rights granted under the New York State Civil Rights Law, Civil Service Law, or any other applicable laws and regulations.

\*\* Where this Handbook differs from your collective bargaining agreement, the collective bargaining agreement applies.

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# CIVIL SERVICE LAWS AND PROCEDURES

## What is Civil Service?

If you are employed in public service, you are either in the military service or the civil service. The Civil Service covers all employees in judicial, legislative, and executive branches of government. The term Civil Service is also applied collectively, to the whole body of individuals employed in the non-military branches of government.

The term "Civil Service" has generally come to mean that decisions to appoint or select individual for positions have been made based on merit and fitness.

As a civil servant, it is important to remember, that you are also a public servant, and as such, may be called upon during the course of your employment with the County of Westchester to assist the County in times of crisis or an emergency. To that extent, your assistance may be required to perform various functions for the benefit of the County. Those functions may include helping residents in need or somehow ensuring the safe and continuous operation of County government during times of an emergency.

County employees are an integral part of ensuring that County government operates efficiently. During times of emergency, whether local or national, it is imperative that you understand the important role that you may be called upon to play to ensure the continuous and efficient operation of County government.

As a public servant, you may be called upon in case of an emergency to remain at your worksite, or you may be called in to work to lend assistance to the County to ensure the continuous operation of this government.

## Civil Service Categories and Jurisdictional Classes

County employees are divided into two categories: the Unclassified Service and the Classified Service. The Unclassified Service includes, among others, all the elected officers, most department heads, and members of boards and commissions. The Classified Service includes all other County employees who are subject to the rules and regulations of Civil Service in Westchester County. This group is divided into four jurisdictional classes:

- 1. Competitive Class:** includes all positions for which it is practical to determine merit and fitness of applicants by competitive examination. Most County positions are in this class.
- 2. Non-Competitive Class:** includes positions determined impractical to fill through competitive examination such as physician, nurse, maintenance mechanic and messenger. Merit and fitness for these positions are determined by a review of candidates' training and experience.
- 3. Labor Class:** includes unskilled positions such as laborer, garage attendant and parking lot attendant for which there are generally no minimum job qualifications.
- 4. Exempt Class:** includes policy making and/or confidential positions such as most deputy commissioners, secretaries to the commissioners, and attorneys.

## Position Classifications

Positions having similar duties, responsibilities and qualification requirements have the same titles. Those positions with the same title make up what is known as a class of positions. Each position title is described in a job specification prepared by the Department of Human Resources.

Job studies are conducted by the Department of Human Resources to determine whether or not there has been sufficient change in duties and responsibilities to warrant reclassification of a given position. In some cases, these studies are initiated by the Commissioner of Human Resources, or upon request of a department head or an individual employee.

## Civil Service Examinations

Civil Service examinations are regularly held in Westchester County for competitive job titles. Tests may be offered for each job title on an open competitive and/or promotional basis.

- **Open competitive examinations** are open to the public as well as to County employees. Anyone who files a timely application and meets the announced requirements is eligible to participate in these examinations.
- **Promotional examinations** are limited to County employees who have a permanent appointment in a specified job title.

Announcements of upcoming Civil Service examinations are issued well in advance of the scheduled date and contain information on: the title, salary or salary range, the duties of the position, minimum qualifications required, final date for filing applications, the subject of the examination and the date of the examination. All applications must be received at the Department of Human Resources in the Michaelian Office Building by 5 p.m., or postmarked no later than 11:59 p.m. by the U.S. Postal Service, on the final date for filing. Applicants can also apply online.

Examination announcements are posted on the bulletin boards in the County Department of Human Resources and may be found online at [www.westchestergov.com/hr](http://www.westchestergov.com/hr). You should make it a practice to read these bulletin boards regularly to keep informed of any examinations for which you may be eligible.

**A non-refundable application fee is required for each separately numbered examination for which you apply.**

## **Citizenship Requirements**

Most County jobs do not require United States of America citizenship unless the position has been designated as a Public Officer such as a Police Officer or Probation Officer.

## **Residency Preference**

Preference from open competitive eligible lists may be given to those who are residents of Westchester County for at least one (1) month prior to the Civil Service examination and thirty (30) days prior to appointment.

## **Admission to Civil Service Examinations**

When you apply for a Civil Service examination, the Department of Human Resources is required to notify you as to whether or not you have been approved as qualified to take the examination. You may be disqualified from taking the examination, or you may be disqualified from appointment after you have taken the examination, if you are found to lack the requirements for minimum qualification (subject to verification) and that of good character. For example, a record of disrespect for the requirements and processes of law, including repeated traffic offenses, falsification of information on an examination application, or the refusal to permit the verification of your qualifications, could affect your appointment.

## **Eligible Lists and Certification**

Grading of examination papers is done on the basis of one-hundred (100), with seventy (70) representing a passing mark. Once scores are computed, an eligible list is established based on those scores. If you take an examination, you will be notified by mail of your final grade and, if you have passed, you will also be notified of your relative position on the established list of eligible candidates.

All who pass an examination are ranked in the order of their final scores. The ranking comprises an eligible list for that job title. Appointments are made from among the top three ranking candidates who respond affirmatively to a canvass of eligible candidates. Eligible lists are open to public inspection, except for the names of those persons who failed to receive a passing grade. These lists have a life fixed by the Commissioner of Human Resources of not less than one year nor more than four years. Appointing officials are not bound to use a list of fewer than three eligible candidates.

Candidates are canvassed by letter and offered appointments to positions when jobs become available. You must reply to the letter within ten business days. If you decline the appointment, your name will be eliminated from the list of eligible candidates, unless the declination is due to either of the following: (1) the geographical location of the position is unacceptable or, (2) temporary inability to accept the position due to physical or other reasons, which must be satisfactorily explained in writing. A record of these reasons must be entered on the eligible list by the Department of Human Resources.

**Failure to reply to a canvass letter within ten (10) days is considered a declination.**

## **Probationary Period**

The probationary period is part of the permanent appointment process. Every permanent appointment from a Civil Service eligible list and every appointment to a position in the non-competitive, exempt, or labor class begins with a probationary term. During the probationary term, the appointee's supervisor observes and evaluates the conduct, quality, quantity and value of the work performed by the appointee. The probationary term is a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks for most titles.

The maximum probationary period for Police Officers is seventy-eight (78) weeks and for Probation Officers one hundred and four (104) weeks.

At any time after the minimum probationary period, you may be granted a permanent appointment or you may be terminated from your position. Following the successful completion of the maximum probation period, you will be appointed as a permanent employee. The quality of your job performance is a key factor in achieving and maintaining permanent status.

## **Promotion**

When filling positions, it is the policy of Westchester County to consider County employees before hiring from outside of County service. The Civil-Service Job Opportunities and Civil Service Examination announcements are produced

and circulated to all County departments by the Department of Human Resources and are also available on-line at [www.westchestergov.com/hr](http://www.westchestergov.com/hr). All employees are encouraged to become proficient in their work and to apply for advancement opportunities for which they qualify.

If you are promoted in the competitive class as the result of a promotional examination, you will serve a probationary period, whether or not your promotion is in the same department. During this probationary period, the permanent position which you vacated, if filled, will be filled on a contingent permanent basis. You have the right to return to your previous permanent position (upon reasonable notice to the appointing officers concerned) at any time before the end of your probationary term. If your conduct or performance in the new position turns out to be unsatisfactory, you also have the right to be restored to your former permanent position.

## **Transfer**

It is possible to transfer from one department to another department in the same or similar title. The employee seeking a transfer must:

- Identify and apply for an appropriate vacancy from a job posting;
- Be offered employment for that position;
- Obtain written permission from the appointing authority of the agency to which transfer is sought; and,
- Obtain approval of the Commissioner of Human Resources.

**Transfers are subject to a probationary period of twelve (12) to fifty-two (52) weeks.**

## **Reassignment**

You may be reassigned from one unit or location to another within your department when directed. This does not in any way affect your Civil Service status.

## **Reductions in Staff**

It is possible that you may be demoted or laid off for reasons of economy, consolidation or abolition of function, which do not reflect on your character or performance. The first to be affected in your classification or title during layoffs or demotions are provisional employees, followed by temporary employees, probationary employees, contingent permanent employees and finally permanent employees. Layoffs are also made in order of seniority which is defined as the date of your first permanent appointment in the classified service. Civil Service Law covers the guidelines of this procedure for competitive class permanent appointees in County service. Exempt, non-competitive and labor class employees are covered by layoff guidelines in their respective collective bargaining agreements.

If you have permanent competitive class status, and are demoted or laid off under these circumstances, your name will be placed on a preferred eligible list for appointment to a position similar to the one you formerly held. It may also be possible for you to transfer to another similar position if a vacancy occurs prior to demotion or layoff.

## **Reinstatement**

If you resign subsequent to receiving a permanent appointment, you may request reinstatement to the same job title, or any vacant position for which you were eligible for transfer or reassignment, without taking another Civil Service examination. Such reinstatement may be made by the Department Head, if a vacancy exists, with the approval of the Commissioner of Human Resources. Such reinstatements, if approved, are subject to a mandatory probationary period of twelve (12) to fifty-two (52) weeks.

## **Disciplinary Action**

For Permanent Competitive Employees and Non-Competitive Employees with more than five year of service, except those non-competitive employees deemed confidential or policy influencing, decisions and procedures relating to disciplinary action and appeals from disciplinary proceedings must conform to the provisions of the Civil Service Law (Sections 75 and 76). Honorably discharged war veterans and exempt volunteer firefighters are also covered by the provisions of Section 75 and 76. **Various County Collective Bargaining Agreements may follow different procedures in matters of employee discipline.** These alternate forms are permitted by Civil Service Law (Section 76). For further information regarding employee disciplinary procedure, please see your collective bargaining agreement.

The preceding statements shall not be construed so as to restrict the County's right to discharge at will employees.

## **COLLECTIVE BARGAINING**

### **Collective Bargaining Agreements (Union Contracts)**

The New York State Employees' Fair Employment Act, commonly known as the Taylor Law, gives public employees the right to join, or refrain from joining, employee organizations. It requires public employers, such as a county government, to negotiate collectively with certified employer organizations in the determination of terms and conditions of employment.

The County of Westchester currently has collective bargaining agreements with different employee associations, as follows:

**Westchester County Civil Service Employees Association, Inc.** (an affiliate of Local 1000, A.F.S.C.M.E.) which represents most of the employees of the County, excluding department heads, deputy commissioners, confidential and temporary employees and the special groups indicated below.

**Westchester Community College Federation of Teachers** which represents all professional staff of Westchester Community College directly involved in teaching plus supporting professionals.

**Westchester County Police Officers Benevolent Association** which represents all police officers and sergeants employed by the Westchester County Department of Public Safety Services.

**Westchester County Police Officers Benevolent Association, Superior Officers Unit** which represents lieutenants and captains employed by the Westchester County Department of Public Safety Services.

**The District Attorney Investigators PBA of Westchester County** which represents criminal investigators in the Westchester County District Attorney's Office.

**Westchester County Correction Officers Benevolent Association** which represents all correction officers employed by the Westchester County Department of Correction.

**Westchester County Correction Department Superior Officers Association, Inc.** which represents senior assistant wardens, sergeants, captains and specialists employed by the Westchester County Department of Correction.

**New York State Nurses Association** which represents all individuals employed by Westchester County as registered nurses.

**Local 456, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO** which represents administrators and managers employed by Westchester County.

Employees that are in titles eligible for union membership have the option to enroll to have union dues withheld from their paycheck. If applicable, this deduction, over the year's term, equals the annual membership dues which differ with each union.

### **No-Strike Provision**

Pursuant to provisions of the Public Employees' Fair Employment Act, now incorporated into the New York State Civil Service Law as Subdivision 3 of Section 207, all bargaining agents for the Westchester County employees have signed an Affirmation of No-Strike as part of their current contracts. This means that the right of employees to call a strike against the County, or to assist or participate in any such action, is formally relinquished.

### **Complaints and Grievances**

Every effort is made to maintain an atmosphere in which job dissatisfaction and other complaints will be kept to a minimum, but disagreements may occur from time to time in an organization as large as the Westchester County Government. Since it is always best to resolve matters at the complaint level before they develop into grievances, you should discuss any job dissatisfaction you have with your supervisor in an effort to resolve it. If a satisfactory solution cannot be reached, there is a formal grievance procedure spelled out in each union contract, which you may follow.

### **Information on Collective Bargaining Associations**

Information regarding the current contractual agreement concerning rates of pay, holidays and leaves, medical insurance and other benefits, and the advantages which union membership offers, may be obtained from the union representative at your work location.

# **SALARY AND PAYCHECKS**

## **Salary Information**

Generally, when you begin working for the County, your salary is at the entry level for your job group, regardless of the salary the previous incumbent may have received. Salary increments are granted once a year on quarterly anniversary dates: January 1st, April 1st, July 1st and October 1st. However, salary increments are not automatic; they are earned by adherence to good job performance standards.

## **Paycheck Schedule**

Every County employee is paid bi-weekly. The County pay period runs from Monday through the following second Sunday. For most employees, paychecks are dated and direct-deposited by the Thursday before the close of the pay period. County employees working a regular full time schedule, except for Police Officers, are paid for a seven (7) hour day or a thirty-five (35) hour week, unless otherwise specified. For annually paid employees, the Payroll Division of the Department of Finance divides your annual salary by the number of work days for that year, and then divides the result by seven hours to arrive at an hourly rate. Members of the PBA union are paid for an eight (8) hour day. Employees working on an hourly or per diem basis are paid as worked.

## **Overtime and Longevity Pay**

Check your Collective Bargaining Agreement for specific policy on overtime and longevity pay.

## **Non-Discrimination**

The County of Westchester has an established policy of non-discrimination against any employee with respect to wages, hours, or any terms or conditions of employment by reason of race, religion, color, creed, national origin, age, sex, sexual orientation, marital status, or disability, except as such conditions may constitute legitimate occupational or assignment qualifications.

## **Payroll Deductions**

The County paycheck has been designed to accommodate as many payroll deductions as needed. Some of these such as income tax, retirement and social security (FICA), or garnishments, are mandatory. The far greater numbers are voluntary. To start or stop voluntary deductions, you must sign an authorization. These voluntary deductions include, but are not limited to, union membership, credit union, charitable contributions, parking fees, deferred compensation, medical flexible spending and dependent care flexible spending plans.

## **Income Taxes**

Income taxes are withheld from your paycheck at a married or single rate, and are based upon the number of exemptions you claim when you filed the Federal W-4 form. Filing the Federal W-4 form is required by both the State and Federal governments. A new form should be filed whenever your address of record changes, or if your marital status or number of dependents changes. If you want to change your New York State withholding, you must file a New York State IT-2104 Form.

## **Retirement Membership (New York State Retirement System)**

Retirement Membership and Social Security coverage for public employees in New York State has been established by enactment of laws by the New York State Legislature. Membership in a retirement system is mandatory when an employee is considered to have a permanent full time civil service appointment. It is optional only while serving in a provisional, temporary or part-time appointment.

There are two different plans that constitute the New York State & Local Retirement System (NYSLRS). They are the Police and Fire Retirement System (PFRS) and the Employees' Retirement System (ERS). Within each system there are different plans known as "tiers". The system that you are joined to is determined by your job duties and your tier is determined by your hire date.

The following is a summary of the different plans and tiers that account for the majority of employees in Westchester County.

### **Membership Tiers**

#### **ERS Members**

<b>Tier</b>	<b>Date of Membership</b>
<b>1</b>	Before July 1, 1973
<b>2</b>	July 1, 1973 through July 26, 1976
<b>3</b>	July 27, 1976 through August 31, 1983
<b>4</b>	September 1, 1983 through December 31, 2009
<b>5</b>	January 1, 2010 through March 31, 2012
<b>6</b>	April 1, 2012 or after

#### **PFRS Members**

<b>Tier</b>	<b>Date of Membership</b>
<b>1</b>	Before July 31, 1973
<b>2</b>	July 31, 1973 through June 30, 2009
<b>3</b>	July 1, 2009 through January 8, 2010
<b>4</b>	There is no Tier 4 in the Police and Fire Retirement System
<b>5</b>	January 9, 2010 through March 31, 2012
<b>6</b>	April 1, 2012 or after

## Tier Highlights

	Tiers 3&4	Tier 5	Tier 6
Membership Date (ERS)	Tier 3: 7/27/1976 thru 8/31/1983		
Membership Date (ERS)	Tier 4: 9/1/1983 thru 12/31/2009	1/1/2010 thru 3/31/2012	4/1/2012 and after
<b>Vesting</b>			
-ERS/PFRS	5 years	5 years	5 years
<b>Member Contributions</b>			
-ERS	3% for 10 years.	3% for entire career.	3% for April 1-March 31,2013 then: \$0 to 45K: 3% \$45K to 55K:3.5% \$55k to 75K:4.5% \$75K to 100K: 5.75% \$100k+:6%
-PFRS	None, if employer offers non-contributory plan.	3% for entire career.**	Same as ERS.
<b>Retirement Age</b>			
-ERS & PFRS in regular plans	Age 62 with 5 years of service, <u>or</u> ERS members can retire with full benefits at age 55 with 30 years of service	Age 62 with 5 years of service credit.	Age 63 with 5 years of service credit.
<b>Early Retirement</b>			
-ERS	Can retire with a reduction for early retirement between age 55 and 62 with less than 30 years of service credit (to a maximum of 27%).	Can retire between age 55 and 62 with an increased reduction for early retirement (to maximum of 38%)	Allows early retirement with permanent penalty of 6.5% for each year of retirement prior to 63.

	<b>Tiers 3&amp;4</b>	<b>Tier 5</b>	<b>Tier 6</b>
Membership Date (ERS)	Tier 3: 7/27/1976 thru 8/31/1983		
Membership Date (ERS)	Tier 4: 9/1/1983 thru 12/31/2009	1/1/2010 thru 3/31/2012	4/1/2012 and after
-PFRS	Can retire with a reduction for early retirement between age 55 and 62. Members in special plans can retire after completing their plan's minimum service requirement regardless of age	Can retire with reduction for early retirement between age 55 and 62. Members in special plans can retire after completing their plan's minimum service requirement regardless of age.	Can retire with a reduction for early retirement between age 55 and 62. Members in special plans can retire after completing their plan's minimum service requirement regardless of age.
<b>Overtime Cap</b>			
-ERS	No cap.	\$15,000 per year with a 3% inflation factor.  (2012= \$ 15,914)	\$15,000 per year with inflation linked to CPI.
-PFRS	No cap.	15% per year of regular salary.	15% per year of regular salary.

\*\*This does not apply to all PFRS members. Members are not required to contribute after accruing the maximum amount of service allowed in their retirement plan.  
Source: Office of Comptroller

In addition, there are special plans in the ERS for employees in Correction Officer, Criminal Investigator, and non-represented management titles. Please contact your departmental personnel administrator for additional information if you hold one of these titles.

Further, certain employees of Westchester Community College may become members of the New York State Teachers Retirement System or of an optional retirement system for education-related positions. For further information on education-related retirement plans, please contact the Human Resources Department at WCC.

For all plans, there is no mandatory retirement age. An employee may be eligible to recover his or her mandatory 3% contribution plus accrued interest when he or she separates from service, depending on the amount of service credit. If you are considering separation from service, be sure to review the rules for withdrawal for your retirement plan and tier.

For all systems, the member's account balance will be paid to a designated beneficiary in the event of death before retirement.  
**For further information, contact the Payroll Audit Section of the Finance Department.**

For accuracy of information it is strongly recommended that members refer to the Office of the New York State Comptroller by visiting the web site: <https://www.osc.state.ny.us/retirement>.

## **Social Security**

Social Security deductions will be taken from each employee's wages. There are two separate pieces that comprise the total Social Security liability: FICA, which is the retirement and disability part, and MFICA, which is the Medicare part. These will show as separate deductions on your pay stub.

## **New York State Disability Insurance**

As a municipal subdivision of the State of New York, the County of Westchester does not provide New York State Disability Insurance coverage to its employees.

## **Union Dues**

The membership dues or the agency shop deduction vary for each collective bargaining group and are subject to change in accordance with each union's policy.

## **Paycheck Records**

We suggest that you look at your own pay stub carefully every payday. If, at any time, you have any questions about the amounts shown on your paycheck or how the amounts were calculated, you should contact the payroll personnel in your own department or work location. If the matter cannot be resolved, or an error is discovered, your department's payroll personnel have the authority and detailed knowledge necessary to ask the County Payroll Office to explain or correct the problem. Deductions will be made to correct any and all overpayments, so it is important to report any errors as soon as possible.

## **Credit Union**

County employees may join the Educational and Governmental Employees Federal Credit Union which is a cooperative association organized to promote savings for its members and to accumulate a fund from these savings to make loans to its members. For further details, contact the Credit Union through the Payroll Audit Section of the Finance Department.

## **Deferred Compensation Program**

Westchester County employees working a regular schedule are eligible to participate in a Deferred Compensation Program (a type of savings plan) which will lower their current income taxes while providing savings for future retirement income. For more information, contact the Payroll Audit Section of the Finance Department.



# **LAWS, EXECUTIVE ORDERS & POLICIES**

## **Equal Employment Opportunity/Affirmative Action**

The County of Westchester is an equal opportunity employer and is committed to an active and progressive Equal Employment Opportunity/Affirmative Action Program. In accordance with Federal and New York State Human Rights Laws, and its own policies, the County of Westchester provides all employees and applicants for employment equal opportunity, equal consideration and equal treatment without regard to race, color, religion, age, national origin, alienage, citizenship status, ethnicity, marital status, familial status, creed, gender, sexual orientation, disability, or any other basis prohibited by law, in all part-time, full-time or temporary employment practices including termination, promotion, compensation and other terms, conditions and privileges within County employment. Further, contractors doing business with the County are required to meet equal employment opportunity standards.

The County of Westchester actively seeks to employ and advance qualified individuals, regardless of their race, color, religion, age, national origin, alienage, citizenship status, ethnicity, marital status, familial status, creed, gender, sexual orientation, disability, or any other basis prohibited by law. To this end, all County appointing authorities recruit and promote so as to reflect, in its workforce, the basic composition of the County's general labor force. The County examines its job specifications to eliminate unnecessary barriers to advancement on merit and fitness, and seeks the development of all members of the work force.

Moreover, the County believes in the dignity of every individual and recognizes the rights of all people to equal opportunity and to a workplace free from all forms of harassment or discrimination. To that end, the County maintains a voluntary zero tolerance policy towards all forms of harassment or discrimination against its employees by coworkers, supervisors, vendors, contractors or others.

Responsibility for overall coordination, implementation and administration of the County's Equal Employment Opportunity and Anti-Discrimination Policy is vested with the Director of the Office of Equal Employment Opportunity/Affirmative Action. The Director is responsible for developing policies and programs to ensure that the County fully complies with the Equal Employment Opportunity Act of 1972, the New York State Human Rights Law, all other applicable State and Federal laws and regulations, and County laws and policies pertaining to equal employment opportunity and discrimination, whether expressed by legislative act or executive order.

Since Westchester County has a zero tolerance policy against harassment and discrimination, employees are expected to report incidents of harassment or discrimination, whether affecting them or anyone else, as soon as possible after their occurrence. If you feel that you have been subjected to discrimination or other conduct which violates the Anti-Harassment and Discrimination Policy or have observed such conduct, you should immediately report the conduct, and you have the right to file a complaint without fear from retaliation. Contact the Office of Equal Employment Opportunity/Affirmative Action at 112 East Post Road (3rd Floor), White Plains, NY 10601; or call: (914) 995-2141.

For more information, access:

<https://humanrights.westchestergov.com/eeo-and-affirmative-action>

## **Sexual Harassment Prevention Policy**

As mandated by New York State law, Westchester County has adopted a sexual harassment prevention policy, which supplements the aforementioned Equal Employment Opportunity / Affirmative Action Program. This Policy, as promulgated by Executive Order 11-2018, is another component of Westchester County's commitment to a discrimination-free work environment.

Per Westchester County's Policy, sexual harassment will not be tolerated, and anyone who engages in sexual harassment will be subject to remedial and/or disciplinary action, such as counseling, suspension, and/or termination. This Policy applies to all County employees, paid and unpaid interns, and non-employees (such as consultants, vendors, and contractors) working on County property or with County personnel.

Westchester County also prohibits retaliation. No one will be subject to adverse action for reporting an incident of sexual harassment, providing information about an incident of sexual harassment, or otherwise assisting in any investigation of a sexual harassment complaint. Anyone who retaliates against a person involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination.

It is the County's policy to conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Office of Equal Employment Opportunity/Affirmative Action.

If you feel that you have been sexually harassed, or have witnessed sexual harassment or retaliation, you should immediately report it to the Office of Equal Employment Opportunity/Affirmative Action at 112 East Post Road (3rd Floor), White Plains, NY 10601; or call: (914) 995-2141.

The Policy itself, which contains a detailed explanation of what constitutes sexual harassment, as well as a complaint form, may be found at: <http://cww.westchestergov.com/executiveorders/2018EO11.pdf>.

## **Americans With Disabilities Act (ADA)**

The County of Westchester requires compliance with Title II of the Americans with Disabilities Act of 1990 (ADA). The law prohibits discrimination based on disability with respect to programs or activities conducted or funded by a government entity. In addition, the ADA entitles otherwise qualified employees or candidates for employment to request “reasonable accommodations,” in terms of equipment, testing procedures or job-site conditions, in order to permit them to perform effectively the essential functions of a job.

Every local government must identify a “responsible employee” to coordinate ADA compliance activities and answer questions about the law. Westchester County has designated a “responsible employee”, who may be reached through the Office for the Disabled at (914) 995-2958.

## **Westchester County Code Of Ethics**

All public officials, officers and employees of Westchester County are required to read and abide by Westchester County’s Ethics and Financial Disclosure law. All employees are required to adhere to the standards of conduct governing a number of areas, including, but not limited to, the following: gifts, confidential information, representation before one’s own agency, representation before any agency for a contingent fee, disclosure of interest in legislation of County contracts, investments in conflict with official duties, private employment or services, future employment and consulting services.

In addition, some specified employees are required by the law to file a financial disclosure statement form within thirty (30) days of their appointment to County service and thereafter on an annual basis.

Penalties for non-compliance to both the standards of conduct and/or the financial disclosure portions of the law may include suspension or removal from office or employment, a civil penalty not less than \$100 or more than \$10,000 and/or a criminal penalty of a class A misdemeanor. Your department furnished you with a copy of the law. If you wish to obtain an additional copy, contact your department’s personnel representative.

## **Drug-Free Workplace Policy**

Westchester County makes its best efforts to maintain a drug-free workplace. Pursuant to NY CLS Labor Section 201-d, New York State has legalized recreational use of marijuana for adults age 21 years and older. This law does not impact the County’s ability to maintain a Drug Free Workplace. The County does not tolerate the use of impairing substances by employees while conducting County business, including during break and meal periods. And employees who are deemed to be impaired for whatever reason may be subject to the County’s Reasonable Suspicion protocols. Further, the County continues to test for marijuana metabolites when mandated or permissible under State, Local or Federal statutes.

The County’s commitment to a drug-free workplace results equally from a concern for the health and well-being of our employees and recognition of our unique responsibility as public servants to maintain the highest standards when conducting public business. In addition, the Employee Assistance Program (EAP) has been used successfully as a resource to help many of our employees and their families overcome difficult problems, including drug abuse. For more information concerning the Drug-Free Workplace Policy, contact the Commissioner of Human Resources at (914) 995-2100.

## **Westchester County Security and Technology Use Policy**

### **1. Introduction**

Information and information systems are key assets of Westchester County (“the County”). They are essential to the conduct of County business and are a part of most employees’ daily work. The County provides systems, including the computers, networks, technology applications and the information housed therein to permit employees to perform their duties more effectively.

This policy sets forth a basic set of standards for use and protection of computer and information assets. It includes but is not limited to computer workstations, laptop computers, electronic mail (“e-mail”), databases, networks and connection(s) – both wired and wireless – to the intranet, Internet and any other information technology services available both now and in the future.

This policy covers all employees of Westchester County. It also covers any other individuals, including consultants, interns, temporaries and vendors, who have access to County technology facilities, computers or networks.

Inappropriate use of equipment and services exposes the County to risks including virus attacks, system compromise, interruption of services and legal issues.

Effective security is a team effort involving the participation and support of every County employee and affiliate who deals with data and / or information systems. It is the responsibility of every computer user to know these guidelines and to conduct activities accordingly.

## **2. Ownership**

Information processing related systems, including but not limited to: computer equipment, operating system software; application software, network accounts providing e-mail, Web browsing, File Transfer Protocol, networking and intra-net hardware and software (collectively "System(s)"), are owned by or licensed by Westchester County. *They are intended primarily for County business purposes.*

A County employee will be given either a desktop PC or laptop PC, if there is sufficient work out of the office. In no case shall an employee be given more than one PC.

When the County has e-recycle events or other clean-up events, if a computer, or any other item, is delivered to the County, that item becomes the property of the County and the County maintains ownership and control of that item. Those items are not considered trash and may not be removed by a County employee for his/her own personal use without the express permission of the Commissioner or Department Head. If an employee is found removing items delivered to the County during an e-recycle, clean-up or other similar event, without the requisite approvals, administrative proceedings may be commenced against the employee.

The Commissioner or Department Head responsible for the e-recycle or clean-up events, must also designate an employee to create an accurate inventory list of all property delivered to the County during these and other similar events to ensure accurate recordkeeping.

Equipment purchased by employees will not be considered a County asset or responsibility. Devices not supported by the Department of Information Technology ("DoIT") will not be configured for County use. Employee procurement of devices and service must be based on the DoIT approved equipment list, if connectivity to County systems is required.

In the event a County or personal device is lost or stolen, it must be reported immediately to the police as well as DoIT for disablement from our systems. A copy of the police report must be provided to DoIT through a Commissioner or Department Head. Damaged devices must not be sent to retail service centers prior to IT inspection. This will eliminate the risk of any unauthorized data access.

## **3. Personal Use**

Incidental personal use of County Systems is permissible if the use:

- 3.1. Does not consume a significant amount of resources that could otherwise be used for business purposes;
- 3.2. Does not interfere with any employee's productivity;
- 3.3. Does not preempt any business activity;
- 3.4. Is not contrary to any other County policies. It is the responsibility of each employee and manager to ensure that the County's technology is used properly.

## **4. Prohibited Use**

Improper uses of County Systems include, but are not limited to:

- 4.1. Contributing to blogs, public forums, chat rooms or message boards except for assigned business related activities (see section below – "Social Media" – for details);
- 4.2. Misrepresenting, obscuring, suppressing or replacing any identity on an electronic communication;
- 4.3. Any use or communication in violation of other County policies, such as Equal Employment Opportunity policy, Harassment policies, etc.;
- 4.4. Any use of profanity, obscenities, or suggestive, intimidating, hostile, discriminatory or derogatory remarks, even in jest;
- 4.5. Downloading of copyrighted material without specific permission of copyright owner;
- 4.6. Downloading of large files or data for personal use, including video, music, photographs, etc.;
- 4.7. The automated forwarding of messages outside of the County;
- 4.8. Engaging in any business activity outside of the County;

- 4.9. Gambling;
- 4.10. Any unauthorized test or attempt to compromise computer or communication system security;
- 4.11. Any use that violates federal, state, or local law or regulation;
- 4.12. Knowingly or recklessly disrupting the normal operation of computers, peripherals, or networks. "Disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service and forged routing information for malicious purposes;
- 4.13. Connecting unauthorized equipment to the network for any purpose;
- 4.14. Running or installing games or any other unauthorized software on County Computers, including personal Web servers;
- 4.15. Copying of any software from County computers, for other than archiving purposes;
- 4.16. Using the County network to gain unauthorized access to any computer system;
- 4.17. Using County systems to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist, violent, drug-related or other offensive material (including messages, images, video, or sound);
- 4.18. Using County systems in such a way as to create an intimidating or hostile work environment;
- 4.19. Using County systems to solicit for personal gain or for the advancement of a political or religious belief;
- 4.20. Modifying County-issued computer software, especially anti-virus / security software.
- 4.21. Any use of personal (non-County) email to conduct County business. This includes the use of personal email (e.g., Gmail, Yahoo, Hotmail) to generate, forward or receive information/data/files in any format pertaining to County business. Use of personal email may lead to the loss of County data. As per section 6 below ("Monitoring and Privacy of Communications"), all electronic communications pertaining to County business are considered County records and subject to disclosure to law enforcement or government officials or to other third parties through FOIL (Freedom of Information Law) requests or other process;
- 4.22. Using County systems to access unauthorized third-party, cloud-based hosting solutions (e.g., Dropbox, Google Drive, etc.) to store County data outside of the County network. Further, it is not permitted to create any accounts with Dropbox or similar services using westchestercountyny.gov domain email accounts.

## 5. Social Media

Although social media technology is constantly changing, this policy was developed to cover Westchester County employee and County Network user participation in all forms of communicating or posting information or content via the Internet, including, but not limited to, social networking sites (for example, Facebook, LinkedIn), blogs, Twitter accounts, video- or photo-sharing sites, websites, chat rooms, and other forms of online dialogue.

All County employees and Network users must at a minimum adhere to the following rules when using social media technologies on County IT resources and/or in their capacities as a County employee:

- 5.1. Use of social media may not interfere with any employee's productivity or detract resources from performing assigned business related duties.
- 5.2. Social media behavior may in no way harm or tarnish the image, reputation and/or goodwill of the County and/or any of its employees.
- 5.3. Employees are prohibited from making any discriminatory, disparaging, defamatory or harassing comments when using social media or otherwise engaging in any conduct prohibited by The County's Non-Discrimination and Anti-Harassment policy.
- 5.4. Abide by all applicable policies and work rules regarding the use of the Internet when using social media tools for business and personal use. The use of social media tools on Westchester County IT resources will be monitored by the same method as defined in those policies and work rules.
- 5.5. Are responsible for all of their online activities that are: conducted with a County e-mail address; can be traced to a County domain; and/or use County resources.
- 5.6. Must not discuss or post confidential, proprietary or otherwise restricted information.
- 5.7. When speaking on behalf of the County in an official capacity, users must be transparent when participating in any online community. They should disclose their identity and affiliation with the County government entity.
- 5.8. Communicate in a professional manner.
- 5.9. Abide by copyright and other applicable laws. Participation online results in a user's comments being permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright and data protection laws apply.
- 5.10. When communicating on behalf of the County, County employees must obtain the necessary authorizations by management, the Office of Communications or other designee, as appropriate.

5.11. Must obtain permission before publishing photographs, videos or quotes of others.

5.12. When not representing the County government entity, County employees who publish personal or professional opinions must not invoke their County government title. In such cases, users must use a disclaimer such as the following where technically feasible: "The postings on this site are my own and do not represent the position, strategy or opinion of Westchester County Government (or other County department/entity)."

### 5.13. Monitoring & Privacy of Communications

Westchester County maintains the right to access and examine County computer systems and networks and all information that is stored or transmitted through these systems and networks, including all e-mail and website visits. All electronic communications are considered County records. As County records, electronic communications are subject to disclosure to law enforcement or government officials or to other third parties through FOIL (Freedom of Information Law) requests or other process. Employees must ensure that information contained in electronic communications is accurate, appropriate and lawful.

While Westchester County does not intend to regularly review employees' e-mail records, employees have no right or expectation of privacy in e-mail. Since the County is responsible for the servicing and protecting of its electronic communications networks and administering this policy, it is occasionally necessary to intercept or disclose electronic communication. Upon an employee's termination, the Legal Department, Human Resources or the employee's manager will direct his/her e-mail to be managed by another employee.

Communications on these Systems are not private. Users should be aware that the data they create on the System remains the property of the County, and usually can be recovered even though deleted by the user. Despite security precautions, there is no absolutely fail-safe way to prevent an unauthorized user from accessing stored files. The confidentiality of any information stored or transmitted on the System cannot be guaranteed. Furthermore, information that is stored on the System or sent via e-mail may be subject to disclosure pursuant to the New York State Freedom of Information Law.

## 6. Identification and Passwords

Each individual must be positively identified prior to being able to use any County computer or communications system resource. Positive identification for internal County networks involves a User-ID and a password, both of which is unique to an individual and will be supplied by DoIT upon employment. Each person must log off from all User-ID accounts before leaving at the end of their workday.

Each person is responsible for all activity that occurs on his or her User-ID. User-ID's will be revoked if the employee is terminated. New User-ID's will also be issued to employees who transfer to another department. Previous access privileges associated with the employee's User-ID (to e.g. e-mail, documents, system resources, shared folders, etc.) will be suspended upon transfer. A new User-ID will then be created for the employee with appropriate access and security levels assigned to it.

### *Westchester County Network Password Policy*

The Westchester County network password allows county employees to sign in to the county network to access PC's, use county e-mail, and/or access county shared-file resources (Shares).

**Employees are required to change their network passwords every 90 days** in order to create a more secure user and systems environment. This requirement supplements existing requirements for strong passwords, which improve our protections against malicious software and hackers.

This 90-day change policy is required in a number of data compliance regulations that offer specific guidance on handling personal information and compliance for sensitive data. It is imperative that we ensure that our information security policies and IT systems and processes comply with the guidelines.

The change in policy also allows us to better protect against various threats including escalated and persistent phishing attacks that we are seeing regularly. A phishing attack is malicious activity conceived by individuals who hope users will divulge personal information such as credit card numbers, passwords and security codes. As time goes on, it is becoming increasingly difficult to ascertain if some notices for information are real or are phishing, because the individuals doing it are getting better and better. As a result, the county is taking precautions to stave them off.

**IMPORTANT:** Remember that **DoIT will never ask you to divulge your password on the phone or in an online form or in an e-mail.** The only place that you should enter your password is within the applications your use to perform county functions. Follow these two steps when you receive a suspicious e-mail:

- Call the Help Desk at 995-5513 to report the e-mail.
- Delete the e-mail from your mailbox without clicking on any hyperlinks or attachments.

**Follow these rules to create a strong password:**

- Passwords must be at least eight characters long.
- Passwords must contain characters from at least three of the following four categories:
  - Uppercase characters (A - Z)
  - Lowercase characters (a - z)
  - Base 10 digits (0 - 9)
  - Symbols found on the keyboard (all keyboard characters not defined as letters or numerals):  
 ` ~ ! @ # \$ % ^ & \* ( ) \_ + = { } | [ ] \ : " ; ' < > ? , . /
- Password may not contain your user account name or any part of your full name.  
 For example: If your account name is EJE1 and your display name is Jacques, Etienne P., three blocked "tokens" will be created: eje1, Jacques and Etienne. Passwords that contain any of the blocked tokens will not be permitted.
- An old password cannot be re-used. A password history of your previous passwords is maintained. If you try to re-use one of your old passwords, it will not be accepted.
- All these requirements are being enforced for all changed passwords and all newly created passwords.

The county also enforces a password lockout policy. **Your User Account will be locked after five failed sign-on attempts within 15 minutes.** Your User Account will be automatically unlocked after 15 minutes.

If you have any problems or questions regarding changing your password, call the Help Desk at 995-5513.

**Password creation hints and memory tricks**

- Don't use passwords that are based on personal information that can be easily accessed or guessed.
- Develop a mnemonic for remembering complex passwords.
- Use both lowercase and capital letters.
- Use a combination of letters, numbers, and special characters.
- Use different passwords on different systems.

**Password manager for desktop PCs**

Based on the above criteria and instructions, update or create a new password in the [password manager system](#).

**Password manager for laptop users**

Laptop users must follow different instructions in order for the new/updated password to synchronize with the laptop encryption software.

**If the steps below for laptops are not followed, the next attempt to sign in will fail.**

Also, after three attempts to sign in with an incorrect password, laptop users will be locked out of the system and will have to call the Help Desk at 995-5513 for assistance.

- Your laptop **MUST** be connected to the Westchester County network.
- Sign in to your workstation using your current password.
- Press CTRL + Alt + Delete.
- Click on Change Password.
- Enter your current password in the Old Password field.
- Enter a New Password.
- Re-enter the new password and then submit.

**Password manager for both internal and external users via [webmail.westchestergov.com/owa](http://webmail.westchestergov.com/owa), internally and [connect2.westchestergov.com](http://connect2.westchestergov.com), externally.**

- Connect and sign in to Westchester County Webmail
- In the upper right hand corner select "Options"
- From the left navigation, select "Change Password" to arrive at the
- The Change Password page contains the fields below.

Domain\username: WESTCHESTER\abc1

Old Password:

New Password:

Confirm New Password

- Enter your existing/old password
- Enter your new password
- Then re-enter the new password in the "Confirm New Password" field.
- Submit/Save the changes.
- After saving the new password, Outlook Web Access may prompt you to sign back in to Webmail.

#### *Westchester County Smartphone Password Policy*

To increase the overall security of Westchester County's infrastructure, DoIT has enabled password protection on all County issued smartphone devices.

- Passwords must be at least 6 characters in length. If you forget your password, please call the Help Desk (995-5513) to have a service call opened with the Server group to reset your password.
- Passwords must be changed every 90 days.
- If ten incorrect passwords are entered in a row, all data is erased on the smartphone and the device will be disabled. Phone functionality will be disabled as well. To resolve a disabled smartphone device, a service call will need to be opened to schedule a time for the Workstation Group to rebuild the device and reconnect it to the server.

### **7. Remote Access**

DoIT provides VPN access to the County network to facilitate effective work while away from County premises. Access and assigned equipment are provided only by DoIT upon request of Department Managers and are intended for County business purposes only. Use of remote access is subject to this policy and additional restrictions and procedures.

Access to the County's web-based e-mail services, from <https://myaccess.westchestergov.com>, is subject to the same policies covered above. Remote access through the MyAccess portal also requires dual-factor authentication. Passwords used for these services must also be handled according to County policies and may not be stored in your local computer. Employees are also prohibited from copying County data obtained through the portal onto the local computer/hard drive, or any unauthorized third-party hosting solution (e.g., Dropbox, Google Drive, etc.). In addition, remote access to the County's web-based services, using non-County equipment such as kiosks or computers located in hotel business centers and local libraries, must be terminated before leaving the terminals.

### **8. Removable Media & Encryption**

To minimize the risk of loss or exposure of Sensitive Personally Identifiable Information (PII) maintained by Westchester County and to reduce the risks associated with exposing the County to malware infections, virus attacks, system compromise, interruption of services and legal issues, the County has established an encryption policy that applies to removable media (any device that is capable of storing data that is readily portable and easily removed from the primary computer or other storage device).

This policy applies to all Westchester County employees and other individuals with access to the County network and provides specific guidelines for encrypting information stored on removable media, thereby preventing Sensitive PII from being intercepted by unintended recipients.

In addition, Westchester County does encrypt credit card data received via various e-commerce applications. The County also encrypts PC laptop drives to prevent third parties from accessing the PC should the device become lost or stolen. Electronic communications systems are, however, not routinely encrypted on a countywide basis. Employees must be aware that electronic communications could, depending on the technology, be forwarded, intercepted, printed and stored by others.

### **9. Use of Outside Technology**

County employees are not permitted to use their own technology assets on the County network without the express approval of the Chief Information Officer. Examples of such assets include but are not limited to smartphones, iPods, iPads, etc. DoIT is not responsible for supporting unapproved devices, and discourages all County employees from posing additional security risks to the organization through their unauthorized use. Also, if an employee is working with a vendor that needs to connect into the County network, the vendor is required to annually submit an access request form and have anti-virus software with the latest definitions to ensure the security of the County's infrastructure.

### **10. Use of Bluetooth Technology**

Due to persistent security threats related to Bluetooth technology, it is the policy of Westchester County to prohibit the transfer of data via Bluetooth connections on County-issued endpoint devices (e.g., smartphones, laptops, etc.). Bluetooth may be manually enabled on County devices however the current policy and default configuration prohibits the transfer of data and disables the scan function in order to prevent

unauthorized communications with other devices.

Although manufacturers of Bluetooth-enabled devices try to keep up with security issues and offer firmware updates to solve the problems, hacking and other cyber security threats remain. Bluetooth security problems include “bluebugging”, wherein hackers are able to use a Bluetooth-enabled phone belonging to someone else to place calls and send text messages without the owner’s knowledge. “Bluejacking” is the sending of a text message to other nearby Bluetooth users who then add the sender to their address books as a contact. This contact can then send other, harmful messages that could be opened up automatically, as they are being sent from an already accepted contact. Due to these and other security concerns which threaten potentially sensitive County data, as well as the overall integrity of County systems and network, the County’s current policy is to prevent data transfers via Bluetooth technology.

## **11. Technology Inventory**

In order to be certain that each County Department has an accurate list of its current inventory of computer equipment, each Department is required to inventory all computer or related equipment and cross reference this inventory list with the Department of Information Technology to ensure that each computer, printer, and other related equipment has been accounted for in the County. Before a computer or other IT equipment is replaced, removed or transferred, the DoIT Asset Management Group must be contacted at [DoITAssetManagement@westchestercountyny.gov](mailto:DoITAssetManagement@westchestercountyny.gov) so that DoIT can maintain an accurate inventory of equipment and equipment locations. Departments are not permitted to move, change or modify county assets on their own. DoIT is the only authorized entity to do that work.

## **12. PC Software**

The installation of software is the responsibility of the Department of Information Technology. The County has the right to audit County personal computers/laptops and remove any unauthorized software. DoIT must be contacted when loading of software is required. DoIT will need to confirm how the software was purchased to ensure that it is lawfully licensed to Westchester County.

## **13. Management, Retention & Disposition of Records**

Under the guidance of the Chief Information Officer (CIO), all departments and agencies of County government are responsible for the proper management, retention and disposition of their records.

Please refer to Executive Order No. 5 of 2008 on the Proper Management, Retention and Disposition of County Records for complete details regarding statutory and regulatory requirements, and further recommendations on how to comply. The Executive Order can be found on the County’s intranet site under Office of the CE → Executive Orders or by clicking here: [http://www.westchestergov.com/executiveOrders/2008/exec\\_order\\_5\\_001.PDF](http://www.westchestergov.com/executiveOrders/2008/exec_order_5_001.PDF).

## **14. Computer Virus Protection**

All Systems used by the employee that are connected to the County’s Internet, Intranet or Extranet, whether owned by the employee or the County, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy. An approved list of virus-scanning software for use by non-County employees with access to County technology facilities, computers or networks, is available on the County Intranet.

## **15. E-mail & Communications Activities**

Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

The following e-mail and communications activities are not allowed due to associated security risks:

- 15.1. Sending unsolicited e-mail messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam);
- 15.2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages;
- 15.3. Unauthorized use, or forging, of email header information;
- 15.4. Solicitation of e-mail for any other e-mail address, other than that of the poster's account, with the intent to harass or to collect replies;
- 15.5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type;
- 15.6. Use of unsolicited email originating from within the County's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the County or connected via the County's network;
- 15.7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

## 16. Physical Security

Employees entrusted with Westchester County computer assets, including desktops, laptops and software, must exercise due diligence at all times to prevent theft, destruction or other misuse of the assets. Portable laptops, notebooks, smartphones, and other transportable computers containing sensitive County information must be treated with the same care provided to company documents.

## 17. Preventing Identity Theft & Data Loss

There are several steps that must be taken to reduce the possibility that confidential personal information in County hands will end up in the hands of identity thieves, including, but not limited to:

- 17.1. Not moving County data to non-County equipment or unauthorized external, third-party hosting services (e.g., Dropbox, Google Drive, etc.) without prior written approval from the Commissioner and Chief Information Officer.
- 17.2. Not copying a whole database with confidential personal information, even to a County PC or laptop. Such data should stay in the secure Data Center. The databases of public records, especially those in the County Clerk's Office, present special problems since these are required to be public. As the County has done in the past, it will continue to encourage and assist the County Clerk in redacting Social Security numbers from the images of those public records.

Refer to the Westchester County Department of Consumer Protection's website for more information on protecting yourself from identity theft: <http://consumer.westchestergov.com/id-theft>.

## 18. Vendor Licensing Agreements

All personal computer system software installed on County equipment must comply with the appropriate licensing protocols and copyrights relevant to that software.

Any duplication of copyrighted software is a violation of the Federal copyright law. Under Federal copyright law, County owned software that is loaded on a hard disk may not be duplicated for use on any other PC. The County does not allow any unauthorized copying of software.

## 19. Telecommunications & Portable Productivity Tools

Westchester County supports the use of telecommunications technology and portable devices (e.g., smartphones, tablets, cell phones, aircards) which meet the County's security requirements and follow accepted use guidelines outlined here. It is the purpose of this section to identify the policies regarding the acquisition and proper use of these devices.

### 19.1.1. *County Phones: Desk Phones*

- 19.1.2. Telephone numbers that are listed or otherwise made known to the public should be answered quickly either by an individual or through an approved voice-messaging system. If the latter is used and voice-messages are recorded, then a responsible individual(s) should check the messages on a routine basis and make appropriate responses to the callers.
- 19.1.3. Telephone calls should be answered in a courteous and professional manner.
- 19.1.4. Each Commissioner or Department Head shall take steps to prevent telephone abuse. To assist, DoIT produces telephone utilization reports, which are available through the Telephone Utilization and Billing Information application on the County's Intranet. They should be used to look for patterns of telephone abuse.
- 19.1.5. If a desk phone is reassigned to another individual, the department should notify Telecom as soon as possible.
- 19.1.6. Directory assistance from outside operators is restricted because it is expensive and usually not necessary.
- 19.1.7. MACs (moves/adds/changes) of phones and phone lines for the department should be requested by e-mail to Telecom.
- 19.1.8. Desk phone rental and usage charges are internally billed back to departments.

### 19.1.9. *Portable Devices: Cell Phones, Smartphones, Tablets and Aircards*

- 19.1.10. All Commissioners and Deputy Commissioners are authorized to acquire a cellular telephone. Payment for the acquisition and utilization of the cellular phone shall be funded by the Department's operating budget or through the requesting Department's Indian Point Budget if the Department is involved with Indian Point disaster preparedness.
- 19.1.11. The Chief Information Officer (or designee) must approve any other proposed acquisition of portable devices and service.

- 19.1.12. Requests for portable devices should be signed off by the requesting Department's Commissioner and acknowledged by the end user that the device will be used for County business purposes. Cellular device requests should be submitted to Telecommunications for authorization and processing. Tablet requests should be submitted to the Desktop Asset Manager in DoIT, also for authorization and processing.
- 19.1.13. Cellular charges for the devices' use are billed either directly to the Department by the contracted carrier, Verizon Wireless or placed in a subaccount of a consolidated bill from SPRINT NEXTEL that is processed by DoIT and charged back to the departments. Use should be restricted, with limited exception for personal emergencies, to County business.
- 19.1.14. Lost/stolen/broken devices replaced by a user more than three times may result in immediate suspension of service for that individual.
- 19.1.15. See section 7 ("Identification & Passwords") for details regarding the County's smartphone password policy.

## 19.2. Fax Machines

- 19.2.1. Fax capability from multi-purpose document processing machines is available in most County departments. Most fax needs can be satisfied by using RIGHTFAX, a system that allows users to send or receive documents to or from a fax machine on their PC. We encourage the use of RIGHTFAX when possible.

**All these communication tools are provided to employees to support them in executing their job duties. Abuse, such as unjustified and/or excessive personal use, should be met with appropriate disciplinary action by the department.**

## 20. Responsibilities

All employees are responsible for complying with this policy and for immediately reporting any known or suspected violations of this policy to their immediate supervisor or the Department of Information Technology. The CIO must approve any exceptions to this policy. Requests for exceptions and the CIO's decision must be in writing. All employees will be asked, from time to time, to sign a statement certifying that they have read and understand this policy.

**Persons who violate this policy will be subject to appropriate disciplinary and/or legal action, up to and including termination.**

## **POLICIES AND PROCEDURES RELATING TO FALSE CLAIMS AND WHISTLEBLOWER PROTECTIONS**

### **Federal and State False Claims Laws**

It is the obligation of the County of Westchester (the "County") to prevent and detect any fraud, waste and abuse in its organization related to Federal and State health care programs (Medicare, Medicaid and other governmental payer programs).

To this end, the County maintains a vigorous Compliance Program and strives to educate our work force regarding the importance of submitting accurate claims and reports to Federal and State governments, as well as regarding the requirements, rights and remedies of Federal and State laws governing the submission of false claims, including the rights of employees to be protected as whistleblowers under such laws. The County prohibits the knowing submission of a false claim for payment in relation to a Federal- or State-funded health care program. Such a submission violates various federal and state laws, including:

- False Claims Act (31 USC 3729-33)
- Social Services Law §145-c – False Statements Social Services Law §145-b – False Statements
- Social Services Law §366-b – Penalties for Fraudulent Practices Penal Law Article 155 – Larceny
- Penal Law Article 175 – False Written Statements Penal Law Article 176 – Insurance Fraud
- Penal Law Article 177 – Health Care Fraud

**Violation of these laws may result in significant civil and/or criminal penalties.** A more complete description of these laws is provided on the County intranet site, at: [http://www.westchestergov.com/executiveOrders/2008/EO2\\_2008.pdf](http://www.westchestergov.com/executiveOrders/2008/EO2_2008.pdf).

### **Rights of Employees to Be Protected As Whistleblowers**

Pursuant to the federal False Claims Act and New York Labor Law 740, an employee (known as a "whistleblower") who reports such fraudulent activity is entitled to certain protections (called "whistleblower protections"), which protect such employee from fear of retaliation or possible termination. Federal and State laws both have provisions stating that an employer may not retaliate against an employee if the employee discloses information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Generally, the employee must first give the employer the opportunity to correct the violation, before reporting it.

### **County Policies and Procedures for Detecting and Preventing Fraud, Waste, and Abuse**

To assist the County in meeting its legal and ethical obligations, the County expects and encourages any employee who is aware of or reasonably suspects the preparation or submission of a false claim or report or any other potential fraud, waste, or abuse related to a Federally or State funded health care program, to report such information to his/her supervisor, the General Counsel or the Corporate Compliance Officer. Any employee who reports such information will have the right and opportunity to do so anonymously and will be protected against retaliation for making the report. The County obligates itself to swiftly and thoroughly investigate any reasonably credible report of fraud, waste, or abuse or any reasonable suspicion thereof through the County Compliance Program. Please note that the County retains the right to take appropriate action against an employee who has participated in a violation of law or hospital or County policy.

### **Smoke Free Workplace Policy (by Executive Order #5-98)**

Every indoor County "workplace" shall become a smoke-free area. The smoking or carrying of lighted cigarettes, cigars, pipes, or any other tobacco-based products, or products that result in smoke, is banned. Every indoor County workplace shall be covered under this Executive Order.

### **Unauthorized Firearms in the Workplace Policy (by Executive Order #4-00)**

All County employees not required to possess a firearm for the performance of their official duties, and who hold a license authorizing the carrying of a firearm without regard to place of possession, shall not possess such a firearm while performing their duties or while present upon any real property of the County of Westchester unless such an employee has secured the prior written consent of the Commissioner of Public Safety. This Executive Order shall not apply to the employees of those County departments that have adopted a formal, written firearm policy.

### **County Photo ID/Access Card Policy (by Executive Order #4-02)**

All County employees, vendors and media are required to obtain an official Westchester County Photo ID/Access Card. These cards should be displayed at all times while inside County buildings, facilities and worksites. This photo identification/access card should be worn in plain sight with photo side showing. Photo identification/access cards may not be affixed to carry items such as handbags or backpacks. Cards may be either clipped on an article of clothing that is not normally removed or worn on a lanyard around the neck. Photo identification/access cards issued are not transferable for any purpose. County employees should notify security personnel on the premises if they observe any individual inside a County building, facility or worksite without proper work or visitor identification. Photo identification/access cards will be collected when an employee, vendor or media personnel changes departments, contract agency, company or media affiliation through promotion, transfer, or change in work assignment. Upon separation from County service or completion of a contract, Photo identification/access cards are to be returned to the employee's department, the vendor's host department or, with media personnel, to the Communications Department. Any violation or non-adherence to this County ID/Access Card Policy may lead to appropriate disciplinary action, including, where legally appropriate, termination of employment.

### **Background Investigations (by Executive Order #8-02)**

Fingerprinting background investigations are required for all candidates as part of the pre-employment process for Westchester County government. The County is committed to protecting the health and welfare of its residents, employees, and visitors, by ensuring that persons appointed to positions within the government are qualified and suitable to deliver services to the residents of Westchester County.

### **Domestic Violence in Workplace Policy (by Executive Order #2-03)**

Each department shall have a compliance officer who is responsible for implementation of this Policy which is to: increase awareness of domestic violence and inform employees of available assistance sources and to ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence. The County shall hold accountable employees who engage in the following behavior: (1) misusing County resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location while on official County business or on County time; or (3) misusing his/her job-related authority and/or County resources in order to negatively affect victims and/or to assist offenders in locating a victim and/or to commit an act of domestic violence.

This Executive Order is intended to be consistent with, and not to modify, any and all County agreements made with collective bargaining units. Whenever the provisions of a department's Domestic Violence Policy are more stringent or impose higher standards than are required by this policy, the Department policy shall prevail.

### **County Supply Use Policy - 12/06**

Westchester County is committed to upholding honesty and integrity throughout the organization by fostering an ethical workforce. The County does not tolerate the theft or misuse of County property or property belonging to other employees, nor does it tolerate the personal use of County property beyond the allowances set forth in the Acceptable Computer Use Policy.

### **Outside Employment (Executive Order #1 – 07)**

Westchester County, in the best interests of the organization, has a policy regarding outside employment to ensure that conflicts

of interest do not exist between an employee's County job and any outside employment.

County employees, Grade 10 or higher, who hold second jobs outside County Government or engaging in outside employment with a company or enterprise that currently does business with the County, must immediately inform their Commissioner or Department Head in writing. County employees obtaining future outside employment with a company or enterprise that currently does business with the County must also notify their Commissioner or Department Head in writing to determine if a conflict of interest exists. Any violation of this order may result in disciplinary action. This order does not replace existing departmental outside employment policies.

## **Workplace Violence Prevention Program (Executive Order #1-11)**

Westchester County will not tolerate violence in the workplace. All incidents, complaints, and/or reports of violence, threats of violence, harassment, intimidation, and other disruptive behavior will be taken seriously because Westchester County is committed to providing its employees with a reasonably safe and secure work environment.

The County has developed a Workplace Violence Prevention Program and Procedures Manual to provide information to managers, supervisors, and employees about preventing and responding to incidents of workplace violence or threats of violence and about the New York State Workplace Violence Prevention Law. The manual outlines the major components of the effort to meet these goals: policy, procedures, workplace security risk evaluation, prevention, training, and other support services. The Workplace Violence Prevention Program and Procedures Manual can be downloaded from the County intranet system at [\\web009\PersonnelDoc](http://web009\PersonnelDoc).

## **Fire Safety Policies**

### **I. Electrical Cooking Appliance Policy**

Westchester County prohibits the use of unauthorized cooking appliances in County work sites. Use of cooking appliances shall be limited to break or kitchen areas. Microwave ovens, toaster ovens, hotplates or other cooking appliances are not to be used in cubicles, at workstations, or areas other than designated group break or kitchens. Any appliances in break or kitchen areas shall be plugged directly into wall outlets. If an extension cord is needed to connect to an outlet, it shall comply with the County policy (see extension cord use policy). Small refrigeration units are permitted. They too, shall be compliant with the County extension cord policy.

### **II. Space Heater Policy**

Westchester County prohibits the use of unauthorized space heating devices in County work sites. Authorization to have a space heater shall be granted by The Office of Risk Management and the Department of Public Works (or the Department overseeing a building, i.e. Parks, DEF, etc.) and after review/approval of requests on an individual basis. Under no circumstances will "open element" heaters be approved for use at any time. Requests to use space heaters of other designs will be reviewed on an individual basis, i.e., cold area, building heat going off at 5 PM, office works till 8 PM, medical, etc.

### **III. Extension Cord Policy**

Westchester County prohibits the use of unauthorized extension cords in County departments-facilities-buildings or on County property. No employee shall be permitted to bring a personally-owned extension cord in to be connected at work.

## **Westchester County Workplace Lactation Policy**

### **Section 206-c of the New York State Labor Law requires employers to provide:**

- Reasonable unpaid time for an employee to express milk during the work period for up to three years following childbirth
- Private space, other than a bathroom, that is free from intrusion by co-workers and the public.

To ensure compliance with the law, Westchester County will follow these procedures.

1. Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made. Employees should notify their supervisor of their intent to express milk during work hours preferably one (1) month prior to their return to work. Please see HR shared docs on the Intranet for the Lactation Accommodation Request Form.
2. The County shall allow employees who wish to express milk during work hours to use their regular break and/or meal period. Each break shall be no less than 20 minutes and the County shall provide such breaks at least once every three hours if requested by the employee. The County can request an employee to postpone her scheduled break for up to 30 minutes if she cannot be released from her work duties.
3. Lactating employees' breaks may be paid or unpaid. Please see full policy on the Intranet for further detail.
4. The County will make a clean private space (not a toilet stall or restroom) available for employees to express milk that is in close proximity to their work area. Breastfeeding employees are responsible for keeping the milk expression area clean after use.
5. Expressed milk can be stored in a common employer refrigerator, in a designated refrigerator, or in an employee's personal cooler. Employees must store all expressed milk in closed containers that are labeled with their names and date collected. Each employee is responsible for insuring the safekeeping of expressed milk while stored on work premises and is expected to bring such milk home each day.

6. The County shall not discriminate in any way against an employee who chooses to express breast milk in the workplace.
7. This policy shall be included in the employee handbook, which is provided to all employees during new employee orientation. In addition, the policy, with links to resources and the state labor law, shall be posted on Human Resources shared documents folder on the Intranet.

# You & Westchester County

## **EMPLOYEE GUIDELINES**

Before more details are given on the many benefits available to you as an employee of Westchester County, there are some areas in which you are expected to assume some personal obligation.

## **Public Relations**

Every employee of the County government is, to some extent, involved in public relations, because the County will very likely be judged by the manner in which you make contacts with the public. Any County business should be conducted in such a manner as to leave a lasting good impression. As a County employee, you must make every effort to give each person with whom you come in contact the best possible attention and utmost courtesy.

## **Public Information**

There are Public Information Officers in the County Executive's Office and in some other departments who are responsible for providing any information intended for publication in the news media. All requests for such information should be referred immediately to the Public Information Officers or to the office of your department head.

Moreover, in all your contacts with the public, it is important to be careful in what you say. Any impulsive statement, particularly if it happens to be inaccurate or poorly timed, could cause embarrassment to you or to your department.

There are also considerations of the confidentiality of records and information in some departments. Every employee, particularly a new employee, should ask his or her supervisor for guidelines on how requests for information should be handled.

## **Telephone Use**

The telephone is a most important instrument of good public relations, as it is the only means of contact which many have with County Government. When you receive a call, talk to the caller in a friendly but business-like and professional manner. If you do not know the answer to a question immediately, offer to get it; or, refer the matter to someone who can supply the answer. Everyone who calls should know that you have done your best to help. You should answer the telephone promptly. In the event that the person called is not available, take a message and deliver it promptly to the person so that the necessary reply can be made.

Direct dialing is available for official calls within the County of Westchester and New York City. Acquaint yourself with the procedures for making office-to-office calls or outside calls, if your position requires you to make such calls. Check with your Supervisor or Department Head for the County's telephone usage policy.

## **Attendance**

Except in certain work locations where around-the-clock coverage must be maintained, the normal work week for County employees is Monday through Friday, either from 8:00 a.m. to 4:00 p.m., 8:30 a.m. to 4:30 p.m., or 9:00 a.m. to 5:00 p.m. Your regular and punctual attendance is essential for the County to provide efficient and effective services to the public. As a County employee, you are expected to be at work and on time for your scheduled or regular hours.

Each department maintains records of its employees' attendance and use of leave time. You should consult with your supervisor or with the payroll clerk in your department to learn what the attendance record procedure is in your office or work location.

## **Absence**

If you become ill, or a member of your immediate family becomes ill, or if for any other reason you are unable to report to work, you must provide notification pursuant to the rules of both the County and your particular department. It is important that you comply with these rules. Speak directly with your immediate supervisor in order to avoid confusion or risk that your absence will not be correctly recorded.

## **Lunch Hour**

County employees are entitled to a lunch break. Generally, it is a one-hour lunch break taken between the hours of 12:00 noon and 2:00 p.m. In order to ensure that proper coverage will be maintained in your work area, lunch hours are staggered. Employees on the evening or night shift will also receive meal periods. You should consult with your supervisor for the exact time assigned to you.

## **Political Activity**

In accordance with provisions of the New York State Civil Service Law, you are under no obligation to contribute to any political fund or perform any political services, nor can you be promoted or dismissed for compliance or refusal to do so. No County employee is permitted to use his or her official influence to force the political activity of any person or group.

Federal Law, known as the Hatch Act, and New York State law prohibit individuals working for a state or local agency whose employment is in connection with an activity financed in whole or in part by federal funds from influencing elections, coercing an officer or employee to contribute for political purposes or being a candidate in a partisan election. (One such example is the County Department of Social Services, which handles public assistance and medical assistance cases that are in part federally funded.) According to the Hatch Act, an officer or employee of such County Department or Agency may not influence others to interfere with or affect the outcome of an election or nomination for

office.

Most importantly, under the Hatch Act, an officer or employee of such County Department or Agency is prohibited from running as a candidate for public elective office in a partisan primary, general or special election. The only exception is that such local employee may be a candidate in a non-partisan election in which none of the candidates represents a political party which received votes in the last Presidential election.

## HOLIDAYS, VACATION AND OTHER LEAVES

### Holidays\*\*\*

Thirteen (13) days have been designated to be observed as County holidays and are days off with pay for most County employees.

- |                               |   |
|-------------------------------|---|
| New Year's Day                | Labor Day                                       |
| Martin Luther King's Birthday | Columbus Day                                    |
| **Lincoln's Birthday          | Election Day Washington's Birthday Veterans Day |
| Memorial Day                  | Thanksgiving Day                                |
| ***Juneteenth                 | *Day after Thanksgiving Day                     |
| Independence Day              | Christmas Day                                   |

\*Some County employees have the Day after Thanksgiving Day as a holiday and not Lincoln's Birthday.

\*\*Some County employees have Lincoln's Birthday and not the Day after Thanksgiving Day.

\*\*\*For additional information regarding observation and benefits related to this holiday (Juneteenth) or any other holiday, please refer to your collective bargaining agreement.

### Holiday entitlement may vary by Department. Please check your collective bargaining agreements.

For employees at Westchester Community College, the following shall be the list of holidays observed:

- |                               |   |
|-------------------------------|---|
| New Year's Day                | Labor Day   |
| Martin Luther King's Birthday | Thanksgiving Day  |
| Memorial Day                  | Day after Thanksgiving Day  |
| Independence Day              | Christmas Day Plus 4 days between<br>Christmas Day and New Year's Day |

When a holiday falls on a Sunday, the following Monday is observed as a holiday, and when it falls on a Saturday, the County designates another day off with pay. Employees receive an alternate day off when they must work on a holiday. Check with your Department to determine your schedule for holidays and days off.

### Vacation\*\*

All full-time salaried County employees are entitled to annual leave which is credited on January 1st of each year based upon the prior years' service. Annual leave is intended for use within the calendar year. Carryover of a vacation leave balance to the next calendar year is subject to limitations which may be waived by the Commissioner of Human Resources. The use of annual leave must be requested and approved in advance by the employee's supervisor in order to maintain adequate staffing at all times.

Based on the first day of employment, the following vacation day allowance applies:

Hired Between	1st Calendar Year of Employment	2nd Calendar Year	3rd Calendar Year
Jan 1 <sup>st</sup> – June 1 <sup>st</sup> ***	1 week (5 days)**	2 weeks (10 days)	3 weeks (15 days)
Jun 2 <sup>nd</sup> – Dec 31 <sup>st</sup>	0	2 weeks (10 days)**	3 weeks (15 days)

\*\* Credited on January 1st or date of hire but not available for use until after six (6) months of service.

\*\*\*Please refer to your union contract, as some benefits and effective dates might vary by union.

After ten (10) years of service, one additional day per year of service is credited, until a maximum of twenty (20) days of annual leave is granted after fifteen (15) years of service.

Part-time employees who work at least half-time are entitled to annual leave as well as other types of leave. All leave time for part-time employees is pro-rated.

### Personal Leave\*\*\*

All full-time salaried County employees are granted paid leave, subject to prior approval, to attend to matters of a personal nature. Employees starting employment after January 1st and prior to June 1st are credited with two and one-half (2.5) days of personal leave after six (6) months of service, for use in their first calendar year. Five (5) days of personal leave are credited on January 1st of each year; however, new employees must complete six (6) months of service prior to using the days.

Personal leave is not cumulative and cannot be carried over into the following year. However, at the end of the year, any unused personal leave time will be credited to sick leave.

\*\*\*Please refer to your union contract, as some benefits and effective dates might vary by union.

## **Sick Leave\*\*\***

All full-time salaried County employees are credited with five (5) sick leave days on their first day of employment. After five (5) full months of service, employees accumulate sick leave at the rate of one day per month which is credited at the end of every completed calendar month beginning on first day of the 7th month. If you are unable to come to work due to your illness, or illness in your immediate family, your accumulated sick leave may be used. Earned sick leave not taken in any one year is accumulated, and it will continue to accumulate as long as the employee remains on the payroll full-time. Upon retirement, a portion of the employee's sick leave balance may qualify for cash redemption. Check your collective bargaining agreement.

**Your Department Head or the Commissioner of Human Resources may require you to substantiate the use of sick leave.**

**\*\*\*Please refer to your union contract, as some benefits and effective dates might vary by union.**

## **Extended Sick Leave**

Annual salaried employees working greater than half time who have exhausted their regular sick leave, annual leave and other time credits may be granted extended sick leave, at one-half (.5) pay for a period not to exceed one (1) bi-weekly pay period for each complete year of service.

Extended sick leave will only be granted upon the recommendation of your Department Head and the approval of the Commissioner of Human Resources.

## **Emergency Sick Leave Bank\*\*\***

Annual salaried employees working greater than half time that have completed at least one (1) full year and one (1) month of service may wish to join the Voluntary Emergency Sick Leave Bank by contributing two (2) full days of earned sick leave time to the bank during a designated contribution period. This will enable enrolled members who have exhausted all accumulated time credits and are suffering from a prolonged and disabling illness or mental incapacitation, and who are not eligible for Worker's Compensation, to make application to the Emergency Sick Leave Board. This Board may grant up to one full year of extra sick leave. For further information, contact your payroll clerk or your union representative.

**\*\*\*Please refer to your union contract, as some benefits and effective dates might vary by union.**

## **Earned Sick Leave**

Hourly employees of the County who work more than 80 hours in a calendar year will earn one (1) hour of sick leave for every 30 hours worked with a maximum of forty (40) earned hours in a calendar year. Employees must have worked 90 days before they can use the sick time they have accrued. This time can be used for the care and treatment of an employee or family member. Time off will be granted in no less than four (4) hour increments, unless a full scheduled day is less than four (4) hours.

## **Maternity/Bonding Leave**

A pregnant employee, upon filing appropriate medical evidence that she is medically disabled due to pregnancy/childbirth, will be permitted to use any annual leave, personal leave, supplemental time, holiday leave and sick leave for the period of the disability and will be eligible for extended sick leave. Generally, employees who wish to take a bonding leave for their newborn child will be permitted to use any annual leave, personal leave, supplemental time, and holiday leave upon filing appropriate documentation.

In addition to the preceding leaves with pay, an employee taking either maternity or bonding leave shall be granted, upon request to the County, a leave of absence without pay for a maximum of seven months, which may be extended upon recommendation of the Department Head, up to a maximum of two (2) years.

This is general information provided as a guideline for employees. There are various circumstances, such as the adoption of a child or foster care that may have special considerations. Please refer to your union contract and talk with your departmental administrator when considering a maternity or bonding leave.

## **Family and Medical Leave Act of 1993 (FMLA)**

All employees who meet the applicable eligibility requirements may be granted FMLA leave consisting of appropriate accrued paid leave and unpaid leave, for a maximum period of twelve (12) weeks during a twelve- month (12) period for the following reasons:

1. the birth of the employee's child and in order to care for the child;
2. the placement of a child with the employee for adoption or foster care;
3. to care for a spouse, child or parent who has a serious health condition;
4. a serious health condition that renders the employee incapable of performing the functions of his or her job.
5. qualifying exigency arising out of the fact that a spouse, child or parent is on active military duty or impending call to

active duty

The entitlement to FMLA leave for the birth, or placement of a child for adoption or foster care, expires twelve (12) months from the date of the birth or placement.

**Military Caregiver Leave:** Additionally, for employees who meet the applicable eligibility requirements they may be granted FMLA leave consisting of appropriate accrued paid leave and unpaid leave, for a maximum period of twenty (26) weeks during any “single” twelve (12) month period to care for an “active” service member ill/injured while on active duty.

### **Eligibility**

Employees who have been employed for a minimum of twelve (12) months and who have worked at least 1,250 hours during the twelve (12) months immediately prior to the leave request date are eligible for FMLA leave. Eligible employees are entitled to a maximum of twelve (12) weeks of FMLA leave in a twelve (12) month period as calculated from the first day of any authorized FMLA leave granted in a twelve (12) month calendar period. A twelve (12) month period is based upon a calendar year (January 1st -December 31st).

Military Caregiver Leave: A “single” twelve (12) month period commences on the first day of any authorized FMLA leave and is based upon a rolling twelve (12) months.

FMLA leave will consist of appropriate accrued paid leave and unpaid leave. If FMLA leave is requested, the employee must use all of his or her accrued paid vacation leave, sick leave, extended sick leave, and sick bank allotment to the extent to which it is available. If the need for the FMLA leave is the result of a job- related injury, sick injury time will be used before accrued balances. The remainder of the FMLA leave will then consist of unpaid leave.

### **Procedure for Requesting Leave**

An employee intending to take FMLA leave because of an expected birth or placement, or because of a planned medical treatment, must request leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her supervisor as soon as the necessity for the leave arises. In all cases, an employee must make the FMLA leave request with documentation to his or her supervisor consistent with department procedures.

### **Medical Certification**

Notice for leave based on the serious health condition of the employee or the employee’s spouse, child or parent, or to care for an “active” service member ill/injured while on active duty, must be accompanied by the appropriate “Medical Certification” form completed by a qualified health care provider. The certification must clearly state specific information for proper determination of a qualifying FMLA event. Depending on the nature of the FMLA leave requested, required information would consist of the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. These forms are available from your supervisor, department head, Commissioner of Human Resources. If the employee is needed to care for a spouse, child, parent or “active” service member the certification must so state, along with information such as an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the function of his or her job. Consistent with existing practice a “Medical Certificate” is not needed for birth or placement of a child for adoption or foster care. Physician and agency notes will continue to be accepted.

### **Benefits Coverage During Leave**

During a period of FMLA leave, an employee will retain health plan coverage under the same conditions that applied before leave commenced.

An employee is not entitled to the accrual of any seniority or employment benefits that would have occurred if not for the taking of leave\*. An employee who takes FMLA leave will not lose any employment benefits that accrued before the date leave began.

### **Restoration to Employment Following Leave**

An employee eligible for FMLA leave will be restored, with limited exceptions, to his or her old position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. A determination as to whether a position is an “equivalent position” will be made by the Commissioner of Human Resources.

*\*Uniformed Services Employment and Reemployment Rights Act (USERRA) require time on active duty be reinstated and counted towards FMLA eligibility*

### **Expanded FMLA Military Family Leave Rights**

The County’s FMLA policy provides general notice of the circumstances when eligible employees may take military family leave under the federal Family and Medical Leave Act. As described in our FMLA policy, there are two different types of military family leave under the FMLA: 1) Exigency leave; and 2) Caregiver leave.

Effective October 28, 2009, through the enactment of H.R. 2647 (the 2010 National Defense Authorization Act), the right to take FMLA "exigency" leave has been expanded to family members of active duty service members. Previously, only family members of National Guard and Reservists were eligible for FMLA "exigency" leave. H.R. 2647 also expands the FMLA's military "caregiver" leave to include veterans who are undergoing medical treatment, recuperation or therapy for a serious injury or illness and who were members of the Armed Forces (including members of the National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation or therapy.

This policy supplements our existing FMLA policy and provides general notice of these newly expanded rights to FMLA leave. Except as mentioned in this Policy Addendum, an employee's rights and obligations to FMLA Leave are governed by our existing FMLA policy.

If you have any questions regarding FMLA military family leave, please contact the Department of Human Resources FMLA representative at 995-2225.

## **Leave Without Pay**

Once you are on a permanent annual salary basis, you may request, in writing, a leave of absence without pay for as long as one year or, in exceptional cases, up to two years. The circumstances under which such a leave of absence might be granted include: your temporary inability to perform your duties (physical or mental), your wish to engage in a course of study intended to increase your usefulness to County service, or any other reason which your Department Head might find satisfactory and which the Commissioner of Human Resources might approve.

Please note that: **(1)** any absence of more than thirty (30) days may affect the time when you will be eligible for a salary increment, **(2)** annual leave credits may not be earned when you are absent for more than thirty (30) days, **(3)** sick leave will not be earned for absences aggregating one-half or more of the work days in a month, and **(4)** your health and other insurance benefits may cease, unless you assume the cost for the coverage which may be continued (see Change in Employment Status on page 23.)

If you should fail to return to your position on or before the date when your leave of absence without pay expires, such failure will be considered a resignation from County service, retroactive to the date that the leave of absence started.

## **Bereavement Leave**

A bereavement allowance of three days shall be given to annual salaried employees working greater than half-time in the event of the death of a member of the employee's immediate family. For Correction Officers there is a five-day allowance. Immediate family is defined as mother, father, stepmother, stepfather, spouse, domestic partner, children, mother-in-law, father-in-law, grandparents, grandchildren, brothers, sisters, and spouse's or domestic partner's immediate family.

## **Safe Time Leave**

County employees who work on a full-time or part-time basis, for more than 90 days in a calendar year, and who are not in titles subject to a collective bargaining agreement, are covered under Westchester County's Safe Time Leave Law. A covered employee who is a victim of domestic violence or a victim of human trafficking has the right to use up to 40 hours of paid leave in a calendar year to: attend or testify in criminal and/or civil court proceedings relating to domestic violence; attend or testify in criminal and/or civil court proceedings relating to human trafficking; move to a safe location.

## **Jury and Court Appearance Leave**

For annual salaried employees working greater than half-time, if you are required to serve as a juror or to appear in court pursuant to a subpoena or court order during work hours, you will be granted a leave with pay for such required attendance. Any fees received for such attendance, other than travel and meals, must be paid to the County. This leave with pay does not apply when your own personal interests are the subject of the court activity.

## **Military Leave**

Members of the United States Armed Forces and/or State/County organized reserved units are given leave with pay pursuant to the provisions of New York State Military Law during the training period of these units.

## **Terminal Leave**

If you resign, retire, or if you should die while still in active service, you (or your beneficiary) will be compensated in cash for any vacation (annual leave) and any authorized compensatory time credited to you which you have not used. Unused vacation does not include time accruing toward the subsequent year's leave. This does not apply to employees on a per diem, hourly or fee basis for whom vacation credits are not allowed.

## HEALTH BENEFITS

Westchester County offers annual salaried employees working greater than half-time the opportunity to choose the Health Benefit Plan that best suits your needs.

### Health Benefits

- Option A** - The Westchester County Health Benefit Plan - This is a self-insured plan which includes comprehensive hospital, major medical, participating provider network and prescription drug plan coverage.
- Option B** - One of the Health Maintenance Organizations (HMO's) currently offered.

Employee contributions, if required, are subject to change. For current information, please access the Finance Dept. Website on the Westchester County Intranet or contact the Benefit Section of the Finance Department, 995-4715, Room 730, 148 Martine Avenue, White Plains, New York 10601.

### Declination of Benefits

An employee may not wish to enroll in the Benefit Program at his or her time of initial eligibility. If this is the case, the employee must fill out the Benefit Enrollment Form and state that he or she is declining benefits.

An employee who initially declined benefits may at any time reapply for it as long as he or she still meets eligibility requirements. However, if the employee decides to enroll later than one month from his/her hire date, coverage will take effect the first day of the third month following the written request for enrollment.

### Health Insurance Buyout

If you are in a collectively bargained union that has elected the buy-out option, or you are non-represented management, you have the ability to buy out of your Health Insurance plan.

As all the options may be different based on your representation you will need to contact the Benefits Office to obtain the correct buy-out options form or you can view the options online through the Westchester County Intranet. You must show proof of alternative coverage as per the policy you cannot buy out without having Health Insurance elsewhere. Once you are approved for the buy-out you will be given a cash value as per your union contract or non-represented management agreement.

### Dental Benefits

CSEA, Teamsters, Management, Confidential and Nurses

These employee groups have dental coverage through Westchester County's self-insured Dental Plans.

Correction Officers, Superior Correction Officers, Police/Public Safety Officers

These employee groups have routine dental coverage through Union Welfare Managed Funds.

coverage through Union Welfare Managed Funds

### Vision Benefits

CSEA, Teamsters, Management, Confidential, Nurses and D.A. investigators

These employee groups have vision coverage through Westchester County's self-insured Vision Plans.

Correction Officers, Superior Correction Officers, Police/Public Safety Officers

These employee groups have routine vision coverage through Union Welfare Managed Funds.

coverage through Union Welfare Managed Funds

### Eligibility For Health/Dental/Vision Benefits

A new employee is not automatically eligible for benefits. In order to be eligible the employee must work a minimum of seventeen and one-half (17 1/2) hours a week on an annual salary basis [twenty-one (21) hours a week for New York State Nurses Association Member], or be a paid elected or appointed official.

### Non-Eligibility For Health/Dental/Vision Benefits

New employees are not eligible for benefits in the following situations:

- If they are terminated before their effective date of coverage.
- If they are appointed or elected to a position for less than three (3) months.
- If they retire prior to the effective date of the plan and are subsequently re-employed in a temporary, seasonal or occasional basis.
- If they are moved to an hourly position.

## **Eligible Dependents**

If you enroll for health benefits, you may wish to have family coverage if you have eligible dependents. An eligible dependent would be your:

### **Spouse**

A legally separated spouse may be covered as a dependent.

Divorced spouses are not eligible. Same sex spouses of same sex marriages will be considered eligible.

Proof of marriage will be required. A working spouse subject to the Working Spouse Rule is not eligible. The Working Spouse Rule is explained under the section headed Coordination of Benefits.

### **Children**

#### **Health Coverage**

Child under 26 years of age.

Child that is incapable of self-support by reason of mental or physical disability and who became incapable before reaching age 26.

#### **Dental and Vision Coverage**

Unmarried child under 25 years of age.

Unmarried child 25 years of age that is incapable of self-support by reason of mental or physical disability and who became incapable before reaching age 19.

Unmarried child 19 years or older, but under 25 years of age, who receives more than half his or her support from the employee and who is a full-time student at an accredited educational institution or an accredited secondary or preparatory school and who is not otherwise eligible for employee group coverage. Time spent in military service, not to exceed 4 years, may be deducted from the age of a student dependent in determining his or her eligibility for enrollment.

An employee's child includes:

His or her own child, whether by birth or adoption. Any stepchild of the employee.

A child that an employee has or had legal permanent custody of until the age of emancipation.

### **Domestic Partner**

A domestic partnership is one in which partners are 18 years of age or older; unmarried and not related by marriage or blood in any way that would bar marriage; residing together, involved in a committed (lifetime) rather than casual relationship, and mutually interdependent financially. The partners must be each other's sole domestic partnership and must have been involved in a domestic partnership for a period of not less than one year. Documentation of all these criteria will be required for the enrollment to be permitted.

### **Domestic Partner's Children**

An eligible employee may provide coverage for a partner's child (children) who is under the age of 26. Loss of eligibility follows the same guidelines as loss of eligibility by dependent children.

## **Loss of Eligibility by Dependent**

### **Dependent Child No Longer Eligible (Refer to COBRA)**

When a dependent is no longer an eligible dependent, his or her coverage will terminate. As follows:

#### **Health Benefits**

When a dependent becomes 26 years of age and is not totally disabled, coverage will terminate on the last day of the month of his or her 26th birthday.

#### **Dental and or Vision Benefits**

When an eligible dependent becomes 19 years of age and is not a full-time student or totally disabled, coverage will terminate the last day of the month of his or her 19th birthday.

When an eligible student dependent graduates from school or withdraws for reasons other than a medical leave of absence, coverage will terminate on the last day of the month in which the graduation or withdrawal takes place.

If an eligible student dependent is granted a medical leave from school, coverage will be extended for a maximum of one year plus the time between the end of that beginning of the next regular semester.

If a dependent leaves school and later enrolls full-time in an accredited educational institution, a new Statement of Student Status Form should be completed and returned to the Employee Benefits Section of the Finance Department. He or she will automatically be covered from the date of his or her registration, provided family coverage is in effect.

## Effective Dates of Coverage

**Health Benefits** - If an enrollment form is complete and received by the Benefits Office of the Department of Finance within thirty (30) days of the hire date, the effective date of coverage will be the first day of the second month following the hire date.

For example:

<u>Hire Date</u>	<u>Received By</u>	<u>Effective Date</u>
6/5	7/5	8/1

If the enrollment form is completed and received later than thirty (30) days after the hire date, the effective date of coverage is the first day of the third month following the request.

For example:

<u>Hire Date</u>	<u>Received By</u>	<u>Effective Date</u>
6/5	7/8	10/1

**Dental Benefits** Effective the first day of the second month following the hire date.

**Vision Benefits** Effective after thirty (30) days of continuous service.

## Effective Dates/Changes in Coverage

Changes in your family status because of marriage, domestic partner registration, birth of a child, divorce, termination of a domestic partnership or death may make it necessary for a change in your health benefit coverage. To avoid delay of coverage any of these changes must be reported to your department representative responsible for benefits within thirty (30) days of the date of change in family status.

### 1. From Individual to Family Coverage

You may wish this change to cover a newly acquired or existing spouse, domestic partner or dependent child.

### 2. From Family to Individual Coverage

You may no longer have any eligible dependents, or may no longer wish to cover existing eligible dependents.

### 3. From Family to Two Individuals

A husband and wife or domestic partner who are both working for the County of Westchester may both wish to have individual coverage rather than having one spouse or partner covered as a dependent under the other's benefit plan.

### 4. From Two Individuals to One Family

A husband and wife or domestic partners both working for the County of Westchester may wish to have family coverage, with one spouse or partner represented as a dependent on the other's health benefit plan.

### 5. From Two Individuals to Two Family

A husband and wife or domestic partners both working for the County of Westchester may both wish to have family coverage, with each spouse or partner covered as a dependent on the other's health benefit plan.

If an employee wishes any of the above changes in his or her health benefit coverage, the effective date of the change would be as follows:

- A.** If the application for a change from individual to family coverage is made within thirty (30) days of the date you acquire your first eligible dependent (either spouse, domestic partner or dependent child), the change becomes effective on the first day of the month following the request for a change.

For Example:

#### Example 1:

<u>Date of Marriage</u>	<u>Request for Change</u>	<u>Effective Date</u>
6/13	Before 6/30	7/1

#### Example 2:

<u>Date of Marriage</u>	<u>Request for Change</u>	<u>Effective Date</u>
6/13	After 6/30 Before 7/13	8/1

**1.** If you already have family coverage, a new dependent child is covered under the family policy. You must give the name and birthdate of the child to the Employee Benefits Section of the Finance Department within thirty (30) days of the birth of the child.

**2.** If you are unmarried and request a change from individual to family coverage because of the birth of a dependent child, the effective date for family coverage begins on the first day of the birth month of the child. Failure to request a change to family coverage within thirty (30) days of the date of acquiring your first eligible

dependent will mean your family coverage will not become effective until the first day of the third month following your request.

<u>Date of Marriage</u>	<u>Request for Change</u>	<u>Effective Date</u>
6/13	7/20	10/1

**B.** If you request a change from family to individual coverage, the change becomes effective the first day of the month following the request for a change.

## **6. Enrollment of a Domestic Partner**

**Please Note: Domestic Partner coverage is only extended to those employees who have this benefit included in their current bargaining agreement.**

When domestic partner coverage is requested, a domestic partner enrollment package will be given to this employee. This package includes:

- Instructions
- Affidavit of Domestic Partnership
- Affidavit of Financial Interdependence
- Dependent Tax Affidavit
- Termination of Domestic Partnership Form

First, the employee and partner must complete the Affidavit of Domestic partnership and the Affidavit of Financial Interdependence. These documents along with two items of proof of financial interdependence and the proof of residence for at least one year for both partners must be submitted to the Employee Benefit Section of the Finance Department.

In addition, if the domestic partner qualifies as your dependent for federal taxes purposes and you wish to avoid the additional taxes that may result from this benefit, the Dependent Tax Affidavit must be completed and returned with the other documents. Applications filed without the required affidavits or proof, will not be processed. Ambiguity or lack of clarity will not be interpreted in the employee's or employee's/partner's favor.

## **Imputed Income**

Under Internal Revenue Service rules, if a domestic partner is not a "dependent" within the meaning of Section 152 of the Internal Revenue Code, the "fair market value" of the partner's coverage, less any contribution by the enrollee, is treated as income for federal tax purposes. This value referred to as "imputed income" will be added to the Westchester County Employee's annual salary from income tax purposes and will apply even if the employee covers other dependents in addition to the domestic partner. If the partner qualifies under IRC 152, the imputed income will not be added to the employee's salary. A Dependent Tax Affidavit must be completed and submitted with the other required documentation.

## **Effective Date for Adding A Domestic Partner**

The date of initial eligibility will be one year after the most recent date on the documents of proof that are submitted with the application. The same effective date rules used for a change in coverage due to marriage will apply.

## **Terminating Domestic Partner Coverage**

Coverage for a domestic partner will end the last day of the month that the employees and/or partner no longer meet one or more of the requirements on the two affidavits both have signed. The terms and conditions of this coverage require the employee to report this relationship termination within 14 days of its occurrence by completing the Termination of Domestic Partnership Form. The employee will not be eligible to enroll another domestic partner or to re-enroll the same partner until 2 years after the Termination of Domestic Partnership Forms submitted to the Employee Benefits Section of the Finance Department. COBRA coverage will be provided using the same rules as those that apply to a divorced spouse. An employee may delete a partner from benefit coverage at any time, even if the relationship is not terminated.

## **Surviving Domestic Partners**

Domestic partners who survive a deceased employee will be eligible for dependent survivor coverage under the same circumstances as surviving spouses.

## **Coordination of Benefits**

Sometimes employees and their dependents are covered under two health benefit plans. If this is the case, bills for medical services must be submitted to the primary plan first. If there is still a balance after the primary plan payment, then the bills may be submitted to the other plan. This is known as a coordination of benefits. The County of Westchester has this provision in its health benefit plan to avoid payment in excess of the billed charges.

Working Spouse Rule – this rule currently applies to CSEA, Confidential and Teamster employees hired after December 30, 2008 who are eligible for health benefit coverage. Please check with your current collective bargaining agreement to see if this rule applies to you. An employee whose non-County spouse/domestic partner (as defined in the County) has health insurance available through another employer is ineligible for County provided health insurance for the non-County spouse/domestic

partner. If both parents have family health benefit coverage, the birthday rule will continue to apply for eligible dependent children. If the non-County spouse/domestic partner has individual coverage available, while the non-County spouse/domestic partner is ineligible to be covered under the County's plan, the County shall cover eligible dependents. If an employee and/or dependents are covered under more than one plan, the plan order is as follows:

<b>Bills for:</b>	<b>Primary Plan</b>	<b>Secondary Plan</b>
Spouse/Domestic Partner if <b>not</b> subject to Working Spouse Rule	Spouse's/Domestic Partner's Plan	Employee's Plan
Spouse/Domestic Partner subject to Working Spouse Rule	Spouse's/Domestic Partner's Plan	none
Employee with Two (2) Plans	If the employee is covered under one plan as an active employee and another plan as a retiree, the plan that covers the person as an active employee is primary.	Retiree Plan
Dependent Children	The plan of the parent whose birthday (month and date) falls earlier in the year is primary.	The plan of the parent whose birthday falls later in the year.
Dependent Children	If parents are separated or divorced, the plan of the parent with whom the child resides is primary unless a court order has specified otherwise.	The plan of the parent with whom the child does not reside unless a court order has specified otherwise.

**Note:** For enrollees who have primary benefits through a Health Maintenance Organization (HMO) or similar organization, the enrollee must first seek such services, facilities and supplies that can be performed or are eligible for payment through those organizations. Such expenses will not be considered for payment under the County Health Plan.

## **Changes in Your Family Status**

If a change occurs in your family status because of marriage, birth or adoption of a child, divorce or death, you must contact your department representative responsible for benefits to update your enrollment records. This update must be done within thirty (30) days from date of change. Failure to request a change to family cover- age within thirty (30) days of the date of acquiring your first eligible dependent will mean your family coverage will not become effective until the first day of the third month following your request.

## **Change of Option**

Once a year in the fall, employees are offered the opportunity to transfer from one health benefit option to another. This change will take effect on the first day of January and cannot be changed again until the following annual change of option period. Employees who elect to make such a change should be sure that they have a clear understanding of the benefits available under the plan they have chosen.

## **Change in Employment Status**

### **Benefits While on an Authorized Family Medical Leave**

If an employee is on an authorized FMLA leave, the employee's health, dental and vision plans will be maintained for the duration of the FMLA leave for the maximum period of twelve (12) weeks.

### **Benefits While on Any Other Authorized Leave Without Pay**

Employees are offered the opportunity to continue their health benefits by paying the full cost of the coverage while off the payroll. The Department of Finance will send the employee a bill based upon the information submitted by the employee's department. If the employee chooses not to continue coverage, his/her health benefits will terminate on the last day of the month that the employee worked.

If an employee elects not to continue coverage while on leave without pay, the employees must re-enroll for health benefits within thirty (30) days of his or her return from a leave without pay in order to avoid the three-month penalty waiting period.

Employees are not entitled to dental or vision benefits while on leave without pay. These benefits will be terminated on the last day of the month that the employee worked and will be reinstated on the first day of the month following the return to the payroll.

### **Benefits When You Are Retired**

Your health benefit coverage can be carried into retirement when you meet both eligibility requirements as follows:

1. You must have at least five (5) years of service, not necessarily continuous, with the County of Westchester; and
2. You are eligible to receive, or would have been eligible to receive, had you joined, a retirement allowance from a retirement system administered by the State of New York or one of its civil divisions.

Please refer to the applicable current collective bargaining agreement and/or Legislative Board Act for the current cost for retiree individual and family health benefit coverage.

**Note:** The requirement for five (5) years of paid service with the County is waived for Westchester County elected officials and appointed department heads who are eligible to receive a retirement allowance from a retirement system administered by the State of New York or one of its civil divisions.

If you retire, you cannot continue coverage in an HMO (Health Maintenance Organization Plan) but will have the opportunity to continue coverage in the Westchester County Health Benefit Plan.

If you are not a member of a retirement system when you leave employment, you are considered to be retired for health benefit purposes if the above requirements are met.

If you qualify for Social Security Disability payments and have at least ten (10) years of service with the County of Westchester, you are considered to be retired for Health Benefit purposes regardless of your age.

If you wish to continue health benefit coverage into retirement (family or individual), you must contact your payroll clerk to ensure that your separation information on the payroll system indicates that you are retiring. This will then be forwarded to the Benefits Section of the Department of Finance, via the payroll system.

The cost for Retiree Health Coverage is determined by many factors. Contact the Employee Benefits Office to determine the current cost of continuing your coverage.

If you are on an authorized leave without pay pending retirement, you are eligible for continuation of health benefits without making direct payments during the authorized leave if:

1. You put in a request for retirement to the retirement system while still on the payroll; and,
2. You request to continue your health benefit plan into retirement.

If you do not request retirement while you are still on the payroll and go on an authorized leave without pay pending retirement, you must make direct payments towards your health benefit plan while on the authorized leave without pay or your coverage will be terminated for non-payment and will not be reinstated at the time of your retirement.

You are eligible for dental coverage as a retiree at no cost. Your dependents are not eligible for dental coverage once you retire.

Neither retirees nor their dependents are eligible for vision benefits.

### **Benefits When You Are Vested**

If you terminate your employment before retirement age:

1. You may continue your health benefit coverage if you have five (5) years of paid service with the County of Westchester and you have vested as a member of a retirement system administered by the State of New York.

**Note:** The requirement for five (5) years of paid service with Westchester County is waived for Westchester County Elected Officials and appointed Department Heads who have been vested as a member of a retirement system administered by the State of New York.

2. You cannot continue coverage in an HMO (Health Maintenance Organization Plan) but you will have the opportunity to continue coverage in the Westchester County Health Benefit Plan.
3. You are not eligible to continue your dental or vision benefit coverage while in a vested status.
4. If you wish to continue health benefits while you are vested:
  - A. You are required to pay the entire cost of your coverage (individual or family) from the first day of the month following the date of your termination until you are eligible to receive a retirement allowance.
  - B. You must submit a written request to the Benefits Section of the Finance Department asking to continue health benefits coverage based on vested rights. Following submission of your written request, a bill will be sent to you indicating the amount due each three-month period.

If you wish to continue your coverage into retirement, you must continue your health benefit coverage as an enrollee or a dependent of an enrollee while in vested status. If your health coverage is terminated because you made no request to continue coverage, or failed to make payments after requesting coverage you will not be permitted to reinstate

coverage either during vested status or after retirement.

Once you have established eligibility to continue health benefit coverage as a retiree, that eligibility shall not be impaired by subsequent employment.

### **Survivor Benefits**

When an employee or retiree with individual coverage dies, coverage will terminate on the date of death.

When an employee or retiree with family coverage dies, survivors will have extended benefits at no further cost for a three-month period.

If the deceased employee or retiree had ten (10) years of paid County service or a combination of ten (10) years of paid service between Westchester County and another agency participating in the New York State Retirement System, survivors are eligible to continue health benefits by directly paying the total cost of coverage to the County of Westchester. Survivors are not eligible to continue benefits in an HMO (Health Maintenance Organization Plan). If the deceased employee was enrolled in an HMO the surviving family will be offered the opportunity to enroll and continue benefits in the Westchester County Health Benefit Plan. If the deceased employee or retiree did not have ten (10) years of County service, the survivors are not eligible to continue health benefits coverage under Westchester County's group policy as a survivor. The survivor(s) will be offered the opportunity to continue coverage under the COBRA provision as described later in this booklet. Please note: certain employee bargaining agreements include free survivor health benefit coverage.

If a spouse, domestic partner or dependent children eligible for survivor coverage wish to have survivor coverage, they must notify the Benefits Section of the Finance Department by letter, requesting the continuation of their health benefits along with a copy of the former employee's death certificate within three months following the date of death.

When a request is made, the survivor will receive a bill for the full cost of family or individual coverage to be paid on a quarterly basis. Failure to pay on a timely basis will result in termination of Health Benefits which will not be reinstated.

If at any time a survivor spouse remarries, coverage will be terminated. If at any time a surviving domestic partner acquires a domestic partner, coverage will be terminated. Dependent children can continue to have coverage as long as they would have been eligible had the employee lived.

1. If there is a surviving spouse, or domestic partner, and children (or child), the spouse or domestic partner may enroll for family coverage with the children (or child) as dependents.
2. If there is no spouse or domestic partner (or the spouse is ineligible as a result of remarriage or if the domestic partner is ineligible as a result of acquiring a domestic partner), the oldest dependent child enrolls with the other children as dependents.
3. If there are only two survivors at the time of the employee's death, or at any time thereafter, the two survivors may both apply for individual coverage.

Survivors are not eligible to continue dental or vision coverage.

### **Former Covered Spouse or Domestic Partner Benefits**

If an employee or retiree had ten (10) years of paid County service or a combination of ten (10) years of paid service between the County and another agency participating in the New York State Retirement System, and at least five (5) of those years were with the County, then the former spouse or domestic partner is eligible to continue health benefits if he/she were covered under the health plan as a spouse or domestic partner for a minimum of the aforementioned ten (10) years. Health coverage may be continued by directly paying the total cost of coverage to the County of Westchester.

If the employee was enrolled in a Health Maintenance Organization, the former spouse or domestic partner will be offered the opportunity to continue enrollment in the Westchester County Health Benefit Plan.

If an employee or retiree did not have ten (10) years of County service, the former spouse or domestic partner is not eligible to continue health benefit coverage under Westchester County's group policy. However, continuation of coverage will be offered under the COBRA Law. Refer to Continuation of Benefits under COBRA below.

When an employee's former spouse remarries or becomes eligible for other group coverage, the eligibility under the County Plan ceases and coverage will be terminated. When a former domestic partner acquires a domestic partner or is eligible for other group coverage, the eligibility under the County Plan ceases and coverage will be terminated.

A former spouse or domestic partner is not eligible to continue dental or vision benefit coverage. To continue Health Benefits coverage a former spouse or domestic partner must submit written notice to the Employee Benefits Section of the County Finance Department within one (1) month of the date of the divorce decree or the dissolving of the domestic partnership. The request should be made within one (1) month from the date of the divorce decree or the dissolving of the domestic partnership. Failure to pay on a timely basis will result in termination of Health Benefits which will not be reinstated.

## **Continuation of Health Benefit Payments Under COBRA**

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), an employee or dependent may elect to continue Health Benefit Coverage which would otherwise end as the result of any of the following conditions:

- 1.** Termination of employment, except for retirement or termination due to gross misconduct (employee, spouse, domestic partner or dependent children may elect to continue);
- 2.** Reduction in work hours (employee, spouse, domestic partner or dependent children may elect to continue);
- 3.** Death of Enrollee (spouse, domestic partner or dependent children may elect to continue);
- 4.** Dissolution of marriage or termination of domestic partnership (spouse or former domestic partner may elect to continue); or,
- 5.** Cessation of dependent child's eligibility (dependent child may elect to continue).

The period for which benefits may be continued varies depending on the circumstances as set forth under COBRA. In general benefits may be continued for:

- 1.** Eighteen (18) months for terminated employees and eligible family members, or for employees working reduced hours and their eligible family members; or,
- 2.** Thirty-six (36) months for all others eligible for continued benefits.

In order to be eligible for continued benefits, the employee or dependent must pay the full cost of the Health Plan in which they were enrolled, payable in quarterly contributions. This cost will be equal to the premium equivalent determined by the employer for each active employee, individual or family plan, plus two percent.

The employee or dependent must apply for COBRA continuation of benefits within sixty (60) days of the qualifying event by the completion and mailing of a COBRA election form with a check in payment of the first contribution amount to bring coverage up to date.

Failure to pay the monthly or other selected period of contribution amounts by the designated due date will result in cancellation of continuation of benefits and reinstatement will be prohibited. Such cancellation will be effective on the last day of the quarter for which the last quarterly contribution was paid.

COBRA continuation of benefits are not available, if the employee or dependent are covered under a group Health Plan similar to this Health Plan. Administration for this provision shall be in accordance with COBRA regulation as it is now or as it is amended from time to time.

In addition to COBRA continuation of coverage, there may be other coverage options for Employees and their families:

- When key parts of the health care law take effect, you'll be able to buy coverage through the Health Insurance Marketplace. In the Marketplace, you could be eligible for a new kind of tax credit that lowers your monthly premiums right away, and you can see what your premium, deductibles and out-of-pocket costs will be before you make a decision to enroll. Being eligible for COBRA does not limit your eligibility for coverage for a tax credit through the Marketplace.
- Additionally, you may qualify for a special enrollment opportunity for another group health plan for which you are eligible (such as a spouse's plan), even if the plan generally does not accept late enrollees, if you request enrollment within 30 days.

## **Waiver of Health Benefit Payments**

If you are totally disabled while on an authorized leave without pay, a waiver of health benefit payments for a period of up to one year in duration may be granted to you.

In order to be eligible for such a waiver, you must meet all of the following conditions:

- 1.** You must be totally disabled, as a result of sickness or injury, and have been continuously disabled for at least three (3) months;
- 2.** You must be on authorized leave without pay or on a Civil Service preferred eligible list.
- 3.** Must have kept coverage in effect during the period you were off the payroll.

In order to apply for a waiver of payment, you must obtain an application for waiver of payment from the Benefits Section of the Finance Department. The form must be completed by you and your physician and returned to the Benefits Section of the Finance Department.

If approved, the waiver will begin on the first day of the fourth calendar month following the occurrence of the disability or on the first day of the calendar month following the end of accrued sick leave, whichever is later.

The waiver will continue during the period of total disability, but in no event, for more than one year. If any of the following conditions occur before the expiration of the year, the waiver will cease:

- 1.** cessation of the disability;

2. your return to the payroll;
3. approval of a request for retirement;
4. separation from service; or,
5. your death.

## Flexible Spending Plan

Westchester County has established a Flexible Spending Plan in accordance with Section 125 and 129 of the Internal Revenue Code. Please check the finance-benefits website for allowed amounts.

- Medical** You may withhold from your taxable income a set dollar amount per calendar year to pay for your unreimbursed medical, dental, and vision expenses. Eligible expenses are defined in Section 213 of the Internal Revenue Code.
- Dependent Care** You may withhold from your taxable income a set dollar amount to pay for eligible child care expense for a child under the age of thirteen (13), or a totally disabled child, or spouse or domestic partner of any age assuming the care is necessary for the employee to be able to work.

For both the Medical and the Dependent Care Flex the annual election is irrevocable during the plan year unless there is a Life Event change as defined by the Internal Revenue Code. Also, if you do not use all the money you have allocated, you would forfeit the unused funds.

A new employee who wishes to enroll in the Flexible Spending Plan for out of pocket expenses incurred from their effective date in the flex plan through December 31st of that calendar year, must enroll within thirty (30) days of their hire date.

There is an annual enrollment for these plans during the fall for participation in the following calendar year. Information will be distributed to employees during this time.

## Qualified Transportation Benefit (QTB)

This benefit gives you the opportunity to receive benefits for certain transportation and parking expenses on a pre-tax basis. To be eligible for this benefit, your transportation and parking must meet the requirements of Section 132 of the IRS Code.

Mass Transit Expense: You may elect a set dollar amount per month for the cost of any pass, token, fare card, voucher, or other item that entitles you to use mass transit for the purpose of traveling to or from his/her place of work.

Parking Expense: You may elect a set dollar amount per month for (1) parking a vehicle in a facility that is near the employer's place of work or (2) on or near a location from which the employee commutes to work in a commuter highway vehicle or carpool (for example, the cost of parking in a lot at the train station so that the employee can continue his/her commute on the train).

## Accidental Death and Dismemberment Coverage

Certain employees are covered under an Accidental Death and Dismemberment Plan for losses resulting from injuries which are received during the performance of his/her duties as a Westchester County Employee.

Those employees and the applicable Death Benefit are as follows:

Correction Officers	\$100,000
Management	75,000
CSEA	75,000
Nurses	100,000
Criminal Investigators	100,000

There is no cost to eligible employees for this coverage.

Please contact the Benefits Office of the Finance Department at (914) 995-4715 for additional information.

## Managerial Long Term Disability Plan (LTD)

The Managerial Long Term Disability Plan (LTD) is designed to provide income protection in the event you become unable to work due to illness and injury. This benefit program is available to all officials and employees appointed to job titles covered by the Management and District Attorney Salary Plans.

The LTD in combination with other benefit income such as retirement and Social Security benefits, provides partial continuation of your income during disability to ease financial burdens.

There is a five dollar (\$5.00) bi-weekly payroll deduction if you enroll in this plan. Effective date of coverage:

1. If a completed Employee Benefits Enrollment Form is received within thirty (30) days of initial eligibility and payroll deductions begin, the employee is considered enrolled.
2. If the Employee Benefit Enrollment form is received later than thirty (30) days of initial eligibility, there will be a three (3) month waiting period from receipt of the enrollment form before payroll deductions begin and the employee is considered enrolled.

Please contact the Benefits Office of the Finance Department Employee for additional information.

## **Managerial Death Benefit Plan**

The Managerial Death Benefit Plan will pay a benefit to an eligible individual's designee in case of death from any cause, at any time, or place. Frequently an individual has a variety of insurance policies, Social Security or retirement system death benefits that will eventually be paid to one's spouse or other beneficiary after death. The time typically involved before such benefits are actually received can create financial difficulties. This benefit is available to teamsters and non-represented management employees.

The Managerial Death Benefit Plan will generate a check to the beneficiary biweekly in an amount equal to the deceased employee's gross paycheck and such payments will continue every two weeks until an amount equal to the employee's annual salary or \$50,000.00 (whichever is less) has been paid.

If your spouse or beneficiary dies before receiving all of these payments, another beneficiary may be designated to receive the remaining payments.

Your eligibility for this benefit commences as soon as a completed enrollment form, including the designation of a beneficiary is received by the Westchester County Finance Department Employee Benefits Unit. Copies of this form are available from the Employee Benefits Unit of the Finance Department. You may name anyone you wish as your beneficiary and change this designation at any time.

## **Workers' Compensation**

Westchester County provides coverage for job-related injuries and illnesses in accordance with the New York State Workers' Compensation and General Municipal Laws. It is the employee's responsibility to report an accident immediately, or as soon thereafter as it is practical, to his or her supervisor. The Westchester County Employee Injury and Illness form must be completed and forwarded to the Finance Department, as soon as possible.

All medical bills incurred as a result of a job-related injury or illness should be forwarded to the Triad Group at the following P.O. Box: Triad Group, LLC P.O. Box 629 Armonk, NY 10504. Their local telephone number is 914-273-7873.

Employees who incur lost time due to a job-related injury or illness are eligible for job injury wage continuation time. Your bargaining union's contract will determine the extent of your continued wages.

## **OTHER BENEFITS AND PROGRAMS**

### **Tuition Reimbursement and Tuition Reduction Programs**

The County may allocate funds for tuition reimbursement on an annual basis. Eligible employees who successfully complete courses of study which meet the program eligibility guidelines may apply. Committees consisting of representatives of County management and the various unions evaluate all tuition reimbursement applications based on established guidelines. These guidelines are available from the personnel representative in your department and/or the County Department of Human Resources.

In addition, the Human Resources staff will supply current information regarding tuition fee reductions at area colleges and business schools.

### **Telework Program**

The Westchester County Telework Program is a flexible worksite arrangement, where selected employees may perform their duties at alternate work sites, such as a home office, during an agreed-upon portion of their workweek. Not all job titles or duty assignments lend themselves to teleworking. Participation in the Telework Program is subject to meeting certain eligibility and selection criteria. Teleworking is voluntary and subject to the prior written approval of the employee's Department Head and the Telework Selection Committee.

Employees interested in participating in the program must first read the Westchester County Telework Handbook, complete the Teleworker Self-Assessment Survey and submit it to the Department Head for approval. Telework documents are available on the Intranet in Human Resources Shared Documents.

## **Parking - White Plains Area**

There is municipal parking under the White Plains Public Library and at the Galleria as well as other locations in the White Plains area. Although there are some parking spaces available for employees in the County parking structure, space is limited, and therefore assigned on a seniority basis. Applications for parking space can be obtained by contacting the Department of Public Works or the shared document section of the Intranet. If a parking permit is assigned to you, a monthly parking fee will be deducted from your paycheck.

## **Parking - Other Locations**

If you are assigned to a work location outside of the White Plains area, contact your supervisor for parking information.

## **Employee Assistance Program**

Recognizing that problems can affect work performance, Westchester County has established an Employee Assistance Program (EAP) to assist employees in obtaining help for their problems.

The EAP was implemented in 1977 with the endorsement of the County Executive and the various bargaining units. Many employees have availed themselves of EAP services since the program's inception.

The Employee Assistance Program is a free, confidential service for County employees and their immediate families. The EAP provides assessment and referral to professional providers for behavioral/medical problems which may affect the individual's job, health, family life, or other relationships.

Referrals to the EAP can originate with a supervisor, an employee, family member, co-worker or a bargaining unit representative.

All inquiries regarding services should be directed to the Employee Assistance Program at 995-6070.

## **EMPLOYEE COMMUNICATION**

### **On-line**

The county's web page on the Internet, [www.westchestergov.com](http://www.westchestergov.com), as well as the Intranet, are excellent sources of information, rules, guidelines and forms. More importantly, they frequently contain links to other relevant sites, such as the New York State and Local Employees Retirement System.

### **Bulletin Boards**

Bulletin Boards are prominently located in all County buildings. The boards contain information regarding, but not limited to, in-service promotional opportunities, announcements of Civil Service examinations, union and social news of interest to employees.

You should make it a daily habit to look at the bulletin board in your work location to determine if any material affects you.

### **Union Contracts**

A copy of your collective bargaining unit contract is available upon request. It contains information on the current union contract, and pertinent information on applicable personnel policies, information on represented job titles, salary scales, and Civil Service rules. Contact your union representative for further information.

### **Booklets**

Informational booklets on such topics as health insurance benefits are revised and distributed by the County from time to time. New York State published materials on the Retirement System and other matters of general interest are also periodically distributed to employees and/or available on-line.

### **Departmental Bulletins, Memoranda**

Departments issue informational or instructional materials on matters of specific interest to their employees. Newsletters and other publications describing various department services are made available to other employees and the general public through the Internet and Intranet.

### **Suggestions**

Some departments have suggestion boxes or similar communication devices to encourage employees to contribute ideas which would improve their internal operations or add to employee morale.

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