

## TOWN OF OYSTER BAY INTER-DEPARTMENTAL MEMO

May 1, 2017

**TO** : Joseph Nocella, Town Attorney

**FROM** : Neil O. Bergin, Commissioner  
Department of Environmental Resources

**SUBJECT** : Added Work Rule # E-4 – Department of Environmental Resources

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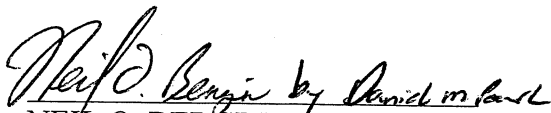
Please allow this memorandum to serve as an update to the office of the Town Attorney regarding the added work rule for the Department of Environmental Resources. Enclosed for your use and information please find a copy of the department Work Rules.

- ***E-4: It shall be a chargeable offence whenever: An employee is marked "A" indicating absent, (no pay for a regular work shift). This marking shall be used WHENEVER an employee has no available sick time available.***

The above Work Rule will be subject to **W** – Warning for the first offence and **D** – Disciplinary Hearing for the second offence. As with all Work Rules, the offense will remain on the employee's record for one year after date of offence.

Please be advised that this revision has been reviewed and verified by Jarvis Brown, President of CSEA Local 881.

If you should have any questions or need additional information pertaining to this matter, please do not hesitate to contact Deputy Commissioner Dan Pearl at Ext. 5937.

  
NEIL O. BERGIN  
COMMISSIONER  
ENVIRONMENTAL RESOURCES

C: Jarvis Brown, President – CSEA Local 881  
Daniel M. Pearl, Deputy Commissioner/DER

**DEPARTMENT OF ENVIRONMENTAL RESOURCES - WORK RULES**

**Version of 5/26/09**

A Violation of the following Work Rules shall be subject to penalties as listed.

The following initials shall be used as indicated below:  
 W = Written Warning (copy to Dept. Head)  
 D = Disciplinary Hearing

#	Work Rule	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense
	<b>ATTENDANCE AND MEDICAL</b>					
E-1	All employees shall report on time and be ready to work. Starting time shall be designated by the Division Head.	W	W	W	W	D
E-2	Sick calls shall be made at least 30 minutes before starting time. Failure to call shall be considered absent without leave.	W	W	W	W	D
E-3	No employee shall be absent without leave - which shall mean failure to call or communicate with Division. Each day absent without calling or communicating shall be considered a separate offense.	W	W	W	D	
E-4	It shall be a chargeable offense whenever: An employee is marked "A" indicating absent (no pay for a regular work shift). This making shall be used WHENEVER an employee has no available sick time available.	W	D			
E-5	No employees shall leave his or her assigned work area without permission before the end of the shift.	W	W	D		
E-6	Employees must submit proof of illness satisfactory to the Department Head immediately upon returning to work where sick leave is claimed immediately before or after a vacation period or holiday or where the employee leaves work due to an illness (whether or not job-related).	W	W	D		
E-7	Employees must report any injuries or accidents to their immediate supervisor as soon as possible.	W	D			

DEPARTMENT OF ENVIRONMENTAL RESOURCES - WORK RULES

Version of 5/26/09

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E-8	Employees who are suspected of abusing sick time shall upon request substantiate any reason for absence from their home during the day authorized.	W	W	D		
E-9	Employees who have been issued GPS-enabled phones shall use them to clock in and out when they start or end their shifts in the field. Employees are required to clock in when they pick up their Town vehicle or arrive at their first work site, whichever is first (not when they leave their homes) and clock out when they drop off their Town vehicle or leave their last work site. Employees shall only be paid for the time that they are clocked in on the job.	W	W	D		
<b>EMPLOYEE CONDUCT</b>						
E-10	Employees must report to work in uniform including footwear (when issued) and the uniform must be worn throughout the work day. Shoulder patches or other insignia on uniforms shall not be removed.	W	W	D		
E-11	In the event that an employee is issued foul weather gear, the employee shall be responsible to have the gear available during inclement weather conditions. In order to obtain replacements, old gear must be turned in.	W	W	D		
E-12	No employee shall report to work under the influence of alcohol and/or drugs and no employee shall partake of alcoholic beverages or illegal drugs during the work day or any overtime periods worked. Any employee taking medicine prescribed by a doctor that might impair his or her judgement must report same to his or her immediate supervisor before going on duty.	D				
E-13	No employee shall salvage.	W	W	D		

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E-14	No employee shall distribute written or printed matter of any description in work areas or post or remove any matter on bulletin boards of the Town of Oyster Bay at any time unless approved by the Department Head. The only exception shall be for CSEA-approved materials.	W	W	W	D	
E-15	Employees are not to be on Town property unless working or otherwise authorized.	W	D			
E-16	Employees shall return tools and equipment issued to them for the day's work at the end of the work shift.	W	W	D		
E-17	Employees who are issued tools shall report any loss or theft of tools as soon as possible in writing to their immediate supervisor.	W	D			
E-18	No employee shall operate, use, or possess machines, tools or equipment which have not been assigned to the employee.	W	W	D		
E-19	No employee shall use or possess another employee's tools without the employee's consent.	W	D			
E-20	No employee shall threaten, intimidate, coerce or interfere with fellow employees.	W	D			
E-21	No employee shall make any false, vicious or malicious statement concerning any employee.	W	D			
E-22	No employee shall violate an existing safety rule or safety practice provided herein or in any statute.	W	D			
E-23	No employee shall act with reckless disregard for the safety of others or for Town property	W	D			

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E-24	No employee shall make a mistake due to negligence.	W	W	D		
E-25	No employee shall sleep on duty.	W	D			
E-26	No employee shall engage in horseplay, improper conduct, or malicious mischief.	W	W	D		
E-27	No employee shall falsify personnel records or TOB records.	D				
E-28	No employee shall possess weapons, firearms, or explosives, unless authorized by the Town of Oyster Bay.	D				
E-29	No employee shall steal, or remove from the premises without proper authorization, any Town property or property of any employee.	D				
E-30	No employee shall gamble or engage in a lottery on Town premises.	D				
E-31	No employee shall deliberately misuse, destroy or damage any Town property or property of any employee.	D				
E-32	No employee shall deliberately restrict output.	D				
E-33	No employee shall provoke or instigate a fight during working hours or on Town of Oyster Bay premises.	D				
E-34	No employee shall engage in sabotage of equipment.	D				
E-35	No employee shall engage in insubordination.	D				

#	Work Rule	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense
E-36	No employee shall engage in immoral conduct or indecency while on the job or on Town property.	D				
E-37	No employee shall use a MP3 player, "walkman" or any other non-authorized radio or audio equipment that includes earphones or ear buds while his or her performing work duties or while operating any vehicle.	W	D			
E-38	No employee shall misrepresent the Town of Oyster Bay through misleading, negative or false statements, whether written or verbal, to the public, other agencies, organizations, media or other employees	W	D			
<b>VEHICLES AND ACCIDENTS</b>						
E-39	Employees who operate motor vehicles of any kind are required to have a valid license for the appropriate class of vehicle and make their driver's license available to their immediate supervisor at three month intervals. In instances where licenses have been revoked, suspended or permitted to expire, employees must report same to his or her supervisor prior to commencement of the next shift worked.	W	D			
E-40	Mechanics and equipment operators shall be required to have and maintain a valid N.Y.S. Motor Vehicle License.	W	D			
E-41	Employees who operate trucks and heavy equipment must check and if necessary, add water, fuel and oil to their assigned vehicles at the beginning and again at the end of each work day.	W	W	D		

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#	Work Rule	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense
E-42	Employees who operate motor vehicles of any kind are required to report to their supervisor all mechanical problems not previously reported on a vehicle assigned to him/her prior to leaving for assigned duties.	W	W	D		
E-43	Employees who operate motor vehicles of any kind are required to keep the vehicles in a clean condition both inside and out.	W	W	W	W	D
E-44	Employees who drive Town vehicles shall call in via radio when they arrive at their destination and again immediately upon leaving.	W	W	W	W	D
E-45	Employees who operate motor vehicles and who are issued two-way radios shall notify the Base Station by a Signal 2 when they are leaving their vehicles; and by a Signal 1 when they return to their vehicles whenever operating a vehicle with a two-way radio.	W	W	D		
E-46	When an employee who is assigned a 24-hour / take home vehicle is scheduled to be absent from work for three (3) or more consecutive work days (whether or not interrupted by weekends and/or holidays), the vehicle shall be returned to the employee's department.	W	W	W	D	
E-47	No employee shall drive a vehicle in a reckless and/or unsafe manner or in excess of posted speed limit on a public road or on Town property.	W	D			
E-48	Employees who make or receive cell phone calls while operating a motor vehicle shall only use a hands-free cell phone or shall pull off the road and park before taking or making a call.	W	W	D		
E-49	No employee shall take a Town of Oyster Bay owned vehicle more than twenty (20) miles outside the Town of Oyster Bay without the written permission of the Commissioner.	W	W	D		

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E-50	Any employee involved in a motor vehicle accident shall call 911, call his or her office giving the location of the accident, and shall not move the vehicle until so directed by proper authority, unless it is blocking traffic or creating a hazard.	D				
E-51	Any employee involved in a motor vehicle accident shall make no statement regarding the accident to anyone except the Police and shall document all the pertinent information. If the other party involved refuses to wait for the Police, the employee shall get the license plate number and vehicle description as well as the names and addresses of witnesses, if available.	W	D			
E-52	In the event of fire in Town vehicle, employee must call 911 and notify supervisor giving the location of the fire as soon as possible.	W	D			
E-53	Three accidents, if the employee is at fault, within a twelve month period shall result in disciplinary action against the driver.	D				
E-54	An employee who is assigned a radio shall return it to his or her supervisor immediately at the end of the work day.	W	W	D		
E-55	An employee who drives a vehicle onto the scale at the Old Bethpage Solid Waste Disposal Complex shall make a full stop before entering the scale and shall then proceed at as slow a speed as possible onto and off the scale.	W	W	D		
E-56	Employees who drive Town vehicles who receive a call from the office that will result in overtime, shall be required to answer the call.	W	W	W	W	D
E-57	Vehicles assigned to areas must remain in those assigned areas, unless ordered elsewhere by his or her supervisor.	W	W	W	W	D



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	<b>TRANSFER STATION</b>					
E-58	Smoking is not permitted in the Transfer Station.	W	D			
E-59	Employees must wear high visibility safety vests and hard hats (helmets) at all times while in the Transfer Station.	W	D			
E-60	Employees must stay within six feet of their vehicles while inside the Transfer Station. At no time shall any employee be permitted to walk behind the vehicle (except roll-off drivers when necessary to unlatch the door).	W	D			
E-61	No employee shall walk or stand in the Transfer Station unnecessarily.	W	D			
	<b>ANIMAL SHELTER</b>					
E-62	Animal Shelter employees shall immediately report to their supervisor any person that they witness, or suspect may be harassing or abusing any animals in the Animal Shelter	W	D			
E-63	No employee shall allow, cause or create a situation that may result in harm or injury to any animal at the Animal Shelter	W	D			
E-64	No employee shall enter a building, house, or structure unless accompanied by his or her partner and then only if owner or person in charge thereof is present.	W	W	D		