

RESOLUTION NO. 54

AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES

Introduced: 2/14/22

By Ms. Lekakis, Messrs. Kuhn, A. Joyce, Grimm, Miller, Beston, Bruschi, Burgdorf, Ms. Chapman, Messrs. Clay, Cleary, Collins, Commisso, Ms. Cunningham, Messrs. Domalewicz, Drake, Efekoro, Ethier, Feeney, Fein, R. Joyce, Ms. Lockart, Messrs. Mauriello, Mayo, Mss. McLaughlin, McLean Lane, Messrs. O'Brien, Perlee, Peter, Ms. Plotsky, Messrs. Reidy, Reinhardt, Ricard, Simpson, Smith, Tunny, Ward, Mss. Whalen and Willingham:

WHEREAS, by Resolution No. 136-b for 1999, this Honorable Body adopted employee rules and regulations that are applicable to all non-union employees of Albany County, and

WHEREAS, it has become apparent that certain provisions therein need to be amended in response to a changing workforce, now, therefore be it

RESOLVED, by the Albany County Legislature that the Albany County Employee Rules and Regulations, adopted pursuant to Resolution No. 136-b for 1999, as amended, are hereby amended to read as follows:

“ARTICLE II: ATTENDANCE:

A. Attendance Policy.

1. The requirement that County employees arrive to, and depart from, their appointed work sites at designated times is central to the efficient and effective delivery of necessary services to the public.

B. Time Keeping Practices.

1. The heads of each department shall work with the Commissioner of Human Resources to create a written time keeping practices procedure which includes, but is not limited to:
 - a. A requirement that all employees use the time clock/time keeping system/equipment, or similar County designated time keeping system/equipment, that is located at an employee's assigned work site, except if an employee's supervisor determines that the employee's use of the designated time keeping system/equipment at the employee's assigned work site significantly impedes the employee's productivity.
 - b. Requirements for time clock/time keeping system access, including:
 - i. Establishing a set number of Time Managers who will be assigned to manage the time clock/time keeping system software on behalf of the department.

- ii. Establishing strict guidelines related to the practice of individuals entering or editing their own time, including the review, approval, and documentation of that process.
2. The written time keeping practices procedure shall include an adequate process to document satisfaction of the requirements of this Section B, including a periodic review by each department in coordination with the Department of Human Resources. After that review, the department shall adopt the necessary changes to effectuate accurate time keeping practices.
3. The Department of Human Resources shall maintain a record of each department's time and attendance procedures and ensure the following:
 - a. The development and application of department-specific timesheets to be used for manual recording of time worked. Such department-specific timesheets shall include:
 - i. Work location
 - ii. Description of activities
 - iii. Certification by the department
 - iv. An employee attestation
4. It is occasionally necessary to manually enter or edit time in the time clock/time keeping system. Such manual entries or edits shall be verified and approved by a supervisor or authorized personnel from the Payroll Division of the Human Resources Department.
5. Each department shall maintain all time sheets, and any supporting documentation, such as leave requests, in electronic format.
6. The Department of Human Resources shall work with departments to maintain a list of positions where there is no immediate supervisor to approve the employees' time in the time clock/time keeping system, and provide a mechanism for assuring those employees are accurately recording their time.
7. No subordinate shall approve the timesheet of a FLSA covered supervisor.
8. The County Comptroller shall have the authority to audit time and attendance records in accordance with NY County Law § 577.

[B]C. Standard Workweek. Each County Department Head shall establish a standard workweek for his or her department.

[C]D. Attendance Record. It shall be the responsibility of every County employee to maintain a complete, accurate, and up-to-date record of his or her presence and absence from work. For employees who are FLSA covered employees as defined herein, attendance records shall, at a minimum, indicate the time work commenced, the start and stop of any meal break, and the time work ended. FLSA exempt employees shall record attendance and any leave credits charged. Periods of absence covered by properly authorized paid and unpaid leaves shall also be indicated. The Commissioner of Human Resources is authorized to promulgate County-wide standards, forms, and procedures for the purposes of recording attendance. The use of automated systems in the recording and reporting of employee attendance may be

required. All records shall be maintained electronically in accordance with subsection four of Section B, Article II.

[D]E. Falsification of Attendance Records. Attendance records are key instruments of government accountability. Deliberate falsification of time and attendance records [shall] may result in disciplinary action, up to and including termination. In addition to any disciplinary action, the County may seek appropriate civil or criminal penalties.

F. Performance and Duties: Employees shall perform their duties and responsibilities as assigned during the County workday, or during an alternate time approved by a supervisor. A consistent effort should be made by employees to avoid conducting personal affairs during their scheduled work hours. However, brief and very limited interactions of a personal nature do not violate county policy. Political campaign work and non-county authorized work are strictly prohibited during work hours.

[E]G. Alternative Work Schedules/Flex Time/Compressed Week. Employees are generally expected to arrive at work and depart from work at times specified by departmental policy or in accordance with a schedule agreed to by their supervisors. Deviation from an employee's regular schedule requires the prior approval of his or her supervisor.

[F]H. Tardiness. It is the responsibility of each employee to report to work at the appointed time. Excessive tardiness may be grounds for disciplinary action, up to and including termination.

[G]I. Unauthorized Absence. An employee's absence from work shall be considered an unauthorized absence when: (a) the absence was not properly approved by the employee's supervisor, or (b) in the case of an absence necessitated by illness, the employee fails to provide notice to his or her supervisor as soon as practicable. Unauthorized absence constitutes misconduct and, depending upon the circumstances, may result in performance counseling or disciplinary action, up to and including termination

[H]J. Abandonment of Employment. Absence from work without approval (unauthorized absence for periods in excess of seven (7) consecutive calendar days) will be considered a voluntary resignation. An employee requesting reinstatement after abandonment of employment must show that he or she was incapable of providing proper notice to the County of the need to be absent. This provision shall not limit the County's ability to remove employees on basis of misconduct for periods of unauthorized absence of any duration.”

“ARTICLE VI: PAID LEAVES OF ABSENCE

D. Conversion of Previously Scheduled Absence to Sick Leave Prohibited. An absence previously scheduled to be covered by vacation leave, personal leave, compensatory time off or floating holiday credits shall not be converted to sick leave, unless the employee reports a personal illness or that of an immediate family member (defined as an employee's spouse, children, step-children, foster children, parents, guardians, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship [legal relationship of spouse, parents, guardians, children, step-children, and foster children]), at least two days in advance of such previously scheduled absence and the employee requests the use of sick leave to attend to such illness. An exception to this policy may be made when an unforeseen emergency hospital stay occurs during such previously scheduled absence.

I. Regular Sick Leave. Regular sick leave shall be used to cover an absence from work necessitated by an employee's own temporary illness. Within the limits set forth under "Notice and Approval" below. Sick leave shall also be used to cover absences from work necessitated by the need to provide care to a member of an employee's immediate family (defined as employee's spouse, children, step-children, foster children, parents, guardians, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship [legal relationship of spouse, parents, guardians, children, step-children, and foster children]) who suffers from an illness. Sick leave shall be used to cover absences necessitated by scheduled visits to licensed care providers (e.g., doctors, physical therapists, dentists, optometrists, etc.).

“ARTICLE VIII: HEALTH AND DENTAL INSURANCE

E. Coordination of Benefits.

1. The County shall not provide duplicate health or dental insurance coverage to an employee and an employee's dependent child. The following coordination of benefits rules shall be observed:

- a. In the case where both [husband and wife] spouses are County employees, only one spouse may be allowed family coverage, including all dependents, or both employees may choose individual coverage.
- b. Where a County employee is eligible to participate in the County health insurance program but may also be covered as a dependent child of another County employee, such an employee must make a choice. He or she may: (a) elect coverage other than the plan of the employee parent and agree to be

removed from the enrollment of his or her employee parent, or (b) continue coverage under the employee parent's coverage.

c. Employees covered under this provision shall be eligible to participate in the health insurance buy-out option, provided they meet the criteria.

“ARTICLE XIV: INFRACTIONS

It is the County's policy to base the disciplining of employees on just cause and all instances of cause for disciplinary action shall be considered in their full context. The County endorses a policy of progressive discipline in which attempts are made to provide employees with notice of deficiencies and an opportunity to improve. There are, however, certain misdeeds that by their very nature are particularly inappropriate to the workplace and may require the County to seek immediate removal of an employee, even for a first time offense. The infractions listed below include some, but not all, offenses that may necessitate immediate disciplinary action:

- Use, sale, dispensing, distribution, purchase, possession or manufacture of illegal drugs, controlled substances, narcotics or alcoholic beverages on County premises or work sites;
- Being under the influence of the above while on the job;
- Profane and/or abusive language;
- Gross insubordination, including but not limited to, a direct refusal to obey a lawful order of a supervisor;
- Unauthorized use of equipment;
- Theft of property or services;
- Falsification of employment applications;
- Deliberate falsification of a time and attendance record;
- Sleeping on duty;
- Unauthorized absence;
- Possession of unauthorized firearms, explosives and other weapons on County premises and work sites.
- Political campaign work and non-county authorized work are strictly prohibited activity during work hours.
- Distribution or release of private or protected information to another person or entity not entitled to receive this information, or not in the course of the employee's employment.

RESOLVED, That these modifications to the Albany County Employee Rules and Regulations shall take effect immediately, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this Resolution to the appropriate County Officials.

Referred to Personnel Committee – 3/14/22

Favorable Recommendation Personnel Committee – 3/31/22

Adopted by unanimous vote – 4/11/22