





Village of Avoca – Employment of the Village Maintenance Supervisor and Water Treatment Plant Operator

Purpose: Village Maintenance Supervisor / Water Treatment Plant Operator						Policy #24	
Effective: June 1, 2024				Author: Eric R. Tyner			
Approved by Board:	Mayor: 	Trustee: 	Trustee: 	Trustee: 	Trustee:	Filed:	Clerk:

This Village Policy sets forth the Agreement between the Village of Avoca and the appointed Street Department Superintendent to include all duties and responsibilities as outlined for both parties.

I. Purpose:

To establish a standardized policy outlining the job duties and responsibilities of the appointed Village of Avoca Village Maintenance Supervisor for the Village of Avoca Street Department. This policy will also outline the compensation and benefits provided to the appointed Village of Avoca Village Maintenance Supervisor by the Village of Avoca on an annual basis as outlined in the annual budget for the Village of Avoca.

II. Definitions:

A. Avoca Village Board of Trustees

1. The Board of Trustees is the legislative body of a village. The Board of Trustees is comprised of the Mayor and four Trustees. The board may increase or decrease the number of trustees, subject to a permissive referendum.
2. The general powers of the Board of Trustees are set forth in Village Law § 4-412, which provides that: In addition to any other powers conferred upon villages, the Board of Trustees of a village shall have management of village property and finances, may take all measures and do all acts, by local law, not inconsistent with the provisions of the constitution, and not inconsistent with a general law except as authorized by the municipal home rule.
3. The Board of Trustees shall act expedient or desirable for the good government of the village, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works.

4. The Board of Trustees may create or abolish by resolution offices, boards, agencies and commissions and delegate to said offices, boards, agencies and commissions so much of its powers, duties and functions as it shall deem necessary for effectuating or administering the Board of Trustees duties and functions. This extremely broad grant of power enables the Board of Trustees to adopt a wide range of local laws to address village concerns as long as the action is not inconsistent with the constitution or certain State laws.
5. Trustees do not possess any inherent authority to supervise or direct the work of subordinate village officers or employees. The responsibility and power to supervise all subordinate village officers and employees is vested in the Village Mayor.

B. Village Mayor:

1. The Village Mayor is the Chief Executive Officer (CEO) of the Village of Avoca
2. Village Law § 4-400 empowers the Mayor to:
 - a. Preside at the meetings of the Board of Trustees within the parameters of the rules of procedure adopted by a majority vote of the Board of Trustees. The Mayor may vote on any matter before the board. The Mayor must vote in the case of a tie. While the Mayor has the power to preside over these meetings, the Mayor has only one vote, which is equal to the vote of each Trustee. Village Mayors do not have the power to veto any board action.
 - b. Appoint all non-elected officers and employees. Mayoral appointments are subject to approval by the Board of Trustees. The Mayor is permitted to vote on all board approvals of Mayoral appointments, in this case being the Village of Avoca Village Maintenance Supervisor.
 - c. Pursuant to Village Law § 4-400, the Mayor can appoint one of the Trustees to serve as Deputy Mayor, who serves in the Mayor's absence or inability to serve. This appointment is not subject to Board approval and the Deputy Mayor is vested with all the powers of the Mayor in his / her absence. The Mayor's appointment of the Deputy Mayor may be rescinded at any time.
 - d. The Mayor appoints individuals to fill vacancies in both elected and appointed offices when the vacancy occurs before the expiration of the official's term of office, to include the event if the Village Maintenance Supervisor position is vacated for any reason.
 - e. The Mayor shall enforce and prosecute all violations of the laws, rules, and regulations of the Village of Avoca and oversee any disciplinary action to be taken on any Village of Avoca employee or appointed official, to include the Village of Avoca Village Maintenance Supervisor. Any action by the Mayor shall be reported immediately to the Board of Trustees and a Special Meeting shall be called if deemed necessary to address any actions taken.

- f. The Mayor shall be the supervising authority of the Village of Avoca Village Maintenance Supervisor and in the absence of the Village Maintenance Supervisor, the other employees in the Street Department. **Note that members of the Village Board of Trustees do not have any authority to supervise or direct subordinate village officers or employees.**
 - g. The Mayor shall execute all contracts in the village's name, to include all contracts entered into for the Village of Avoca Street Department.
 - h. The Mayor shall have supervisory authority over the Village of Avoca Village Maintenance Supervisor for street department projects or other public work projects approved by the Board of Trustees and being conducted by the Street Department. However, unless under extraordinary circumstances, the Mayor shall not interfere with how the project(s) are to be completed or the daily operation of the Street Department and leave the direct supervision of Street Department employees and projects being completed to the direction and authority of the Village Maintenance Supervisor.
 - i. The Mayor shall be the sole appointing authority for the Village of Avoca Village Maintenance Supervisor position, subject to the approval of the Board of Trustees. The Mayor, as acting CEO of the Village of Avoca, shall ensure all duties of the Village Maintenance Supervisor are carried out on a weekly basis and review and sign the Village Maintenance Supervisor's bi-weekly time card before being processed by the Village Clerk for the bi-weekly payroll.
 - j. The Mayor shall, appoint the Village of Avoca Village Maintenance Supervisor for a period of time to coincide with the Mayor's elected term of office. At no time shall any Mayoral appointment of the Village Maintenance Supervisor exceed the Mayor's term of office.
 - k. For employees to be hired for the Street Department, the Mayor, the Village Maintenance Supervisor, and the Liaison Trustee to the Street Department shall be the body empaneled for the interviews of potential candidates for employment within the Street Department. In the event two or more qualified applicants are agreed upon by the panel, the Village Maintenance Supervisor shall have discretion on the applicant for Board of Trustees consideration. However, the Mayor retains to sole authority to hire, suspend or terminate the employment of any employee for the Village of Avoca with the Board of Trustees approval.
 - l. The Mayor, or Deputy Mayor in the Mayor's absence, shall retain the sole authority if declaring a local state of emergency.
3. The Mayor shall appoint a duly elected member of the Board of Trustees to act as a Liaison to the Street Department on an annual basis to assist the Mayor in the overall management of the Street Department and work with the Village

Maintenance Supervisor on projects or other issues dealing with the Street Department. While the Street Department Liaison possesses no authority over the Village Maintenance Supervisor or Street Department employees, the Village Maintenance Supervisor is expected to work cordially and respectfully with the Liaison to ensure the efficient and timely completion of all objectives for the project or issue being addressed.

C. Village Maintenance Supervisor:

1. The Village of Avoca Village Maintenance Supervisor shall be any person who is appointed to the job description for the Village of Avoca for the Village Maintenance Supervisor position as outlined below.
2. The Village of Avoca Village Maintenance Supervisor is a Mayoral appointment which will be presented to the Board of Trustees for confirmation. The appointment of the Village Maintenance Supervisor shall run concurrent with the term of office for the Mayor and in no event will exceed the term of office for the appointing Mayor.
3. The Village Maintenance Supervisor is here after considered to be a management position for the Village of Avoca and will be a salaries position with specific wage compensation and benefits. The provisions of the management duties and requirement for the Village Maintenance Supervisor are outlined below in this agreement.
4. The Village Maintenance Supervisor shall be defined as outlined below. In the Pubic Officer's Law, the positions of street commissioner and superintendent of public works were outlined under the former Village Law. When the Village Law was rewritten by the Legislature in 1973, references to these positions were not included in the new version, but these positions continue in the NYCOM Handbook for Village Officials (2017).
5. The position of Village Maintenance Supervisor for the Village of Avoca is considered to be an employee of the Village of Avoca. While there is some discretion across New York State if appointed officials exist in villages across the State and some villages treat these positions as public offices, the Village of Avoca considers this as a position of employment. Individuals may serve a local government in one of three ways: they may be public officers, employees, or independent contractors. Each type of service is governed by its own set of rules. Therefore, this position is not a public office and the Village Maintenance Supervisor will not have duties involving the exercise of some sovereign power or powers of the municipality. Therefore, the position of Village Maintenance Supervisor shall be appointed as an employee of the Village of Avoca and shall follow the general rules and regulations for employees for the State of New York.

D. Water Treatment Plant Operator

1. The Village of Avoca Water Village Maintenance Supervisor shall be any person who is appointed to the job description for the Village of Avoca for the Water Treatment Plant Operator as outlined.
2. The Village of Avoca Water Plant Treatment Operator is a Mayoral appointment, which will be presented to the Board of Trustees for confirmation. The appointment of the Water Treatment Plant Operator shall run concurrent with the term of office for the Mayor and in no event will exceed the term of office for the appointing Mayor.
3. The Water Treatment Plant Operator is here after considered to be a management position for the Village of Avoca and will be a salaries position with specific wage compensation and benefits. The provisions of the management duties and requirement for this position will run concurrent with the duties of the Village Maintenance Supervisor and daily duties will be conducted daily concurrent with those duties.
4. For all other aspects of this position, the Water Treatment Plant Operator's compensation and benefits will be outlined along with the Village Maintenance Supervisor position.
5. The Water Treatment Plant Operator shall have an Assistant Water Treatment Plant Operator assigned to assist in the daily duties for maintaining the village water system. In most cases, this shall be another member of the Village of Avoca Street Department and shall receive compensation as outlined in the CBA between the Village of Avoca and Teamster Local Union No. 118. This assistant is in place as the village water systems may require management and maintenance 24 hours a day, 365 days a year. For weekend monitoring and maintenance of the village water system this assistant may be utilized by the Water Treatment Plant Operator, as needed, for the yearly monitoring and maintenance required.

E. New York State Definitions

1. In no event, shall the definitions as outlined above override over any New York State legal definition for any position (employees or officials) for the Village of Avoca and in the event of any conflict in terms, the New York State definition will take precedence.

IV. Job Description:

1. The job description for the position of Street Department Superintendent for the Village of Avoca shall be defined as follows per the Civil Service definition currently in place at the implementation of this policy.
2. This position is a supervisory position for the Village of Avoca and involves responsibility for the general maintenance of the Village of Avoca. All work is

performed under the general direction of the Mayor and the Board of Trustees. The Village Maintenance Supervisor is responsible for the direct supervision over all employees for the Street Department, whether full-time or seasonal, and shall exercise daily control over their activities. The duties of this position vary, but generally include the supervision and a leading a variety of Village public work constructions, maintenance, and repair activities including the maintenance of streets and sidewalks and the village water system. The Village Maintenance Supervisor does related work as required to include, but is not limited to:

- a. Leads the cleaning, patching and resurfacing of all Streets in the Village;
 - b. Installs and maintains sluices, culverts and driveway approaches;
 - c. Plows and salts or sands all village streets and plows sidewalks;
 - d. Cleans and maintains all village storm sewers;
 - e. Installs, repairs and maintains all sidewalks located within the village;
 - f. Leads in the routine maintenance of all Village owned or leased parks, lawns or other village owned buildings (painting, cleaning and general maintenance);
 - g. Checks and chlorinates the water supply system for the village;
 - h. Checks , maintains and operates the water pumps for the village;
 - i. Oversees and maintains all village water mains and supply lines;
 - j. Oversees and maintains fire hydrants in the village;
 - k. Installs, repairs and replaces and reads all water meters in the village;
 - l. Directs a crew of Village Maintenance Workers or Laborers in performing their daily assigned duties;
 - m. Any other public works related projects directed by the Mayor and / or from the Board of Trustees.
3. The Village Maintenance Supervisor has a vast responsibility for the Village of Avoca and its residents and therefore must possess the skills, abilities and personal characteristics to fully perform his / her duties to include:
- a. A good knowledge of the methods of street and sidewalk repair to include snow removal;
 - b. A good knowledge of the principles, practices, tools and equipment used in the installation and repair of water distribution systems;
 - c. The of ability to supervise and work with others;
 - d. A good manual dexterity and mechanical aptitude;
 - e. Maintain good physical condition as this position is a "working position" and the Village Maintenance Supervisor is expected to lead project in the field and not only work from the office;
4. If the Employer has good reason to believe that the Village Maintenance Supervisor is no longer physically able to safely continue in his/her regular duties or to perform the essential functions of his/her position, the Employer may require a full physical examination by a physician selected by the Employer, provided that such examination is job related and consistent with business necessity. This examination shall be at the Employer's expense. Should a disagreement arise between the Employer's physician and the Employee's physician over the physical fitness of an Employee to continue in

his/her job duties, then a third physician, who shall be selected and mutually agreed upon by the two physicians, shall make the final determination. All expenses in connection with the examination by the third physician shall be borne equally by the parties.

5. The minimum qualification for the position of Village Maintenance Supervisor is two years of experience in general construction work.
6. The Village Maintenance Supervisor must possess and maintain a New York State Operator's License Class D at all times when occupying this position.
7. Due to the Village of Avoca maintaining a village municipal water system, the Village Maintenance Supervisor position also has the following special requirement for appointment:
 - a. A Water Treatment Plant Operator's License Grade III-C is required at the time of appointment.
8. Due to the responsibility involved with the person assigned to this position, the Village of Avoca will require the Village Maintenance Supervisor to have his or her primary residence located within 10 road miles of the Street Department of the Village of Avoca.

V. Management Responsibilities of the Village Maintenance Supervisor

1. The Village Maintenance Supervisor position for the Village of Avoca is a management position and therefore the person assigned will be required to generate and document the actions of the Street Department employees and project being conducted in the Street Department for the Mayor and the Board of Trustees. Such management functions are outlined below, but the list may not be all inclusive and can be updated by the Mayor as needed:
 - a. Generate a monthly Street Department Monthly Report as outlined by the Board of Trustees to be presented and discussed with the Board of Trustees at the monthly Board Meeting. Generally this report shall be furnished to the Village Clerk by the 5th day of each month and the Village Maintenance Supervisor is generally expected to be present at the Board of Trustees monthly Board Meeting to present the report and interact with the Board of Trustees.
 - b. The annual budget for the Street Department is established for the Village budget cycle and the Village Maintenance Supervisor shall present their outlined budget to the Village Clerk / Treasurer as outlined in the Village of Avoca budget process. During the budget year, the Village Maintenance Supervisor shall work within the outlined budget process and have the authority to purchase goods and equipment as outlined and approved through the Board of Trustees. Any potential deviation from the outlined budget for the Street Department shall be discussed with the Mayor and then presented to the Board of Trustees for discussion and further action.

- c. Annual Performance Evaluations, on the approved format, for each employee of the Street Department will be submitted by the Village Maintenance Supervisor to the Mayor for review and approval during the month of May of each year.
- d. The Village Maintenance Supervisor is responsible to ensure all work as outlined by the Board of Trustees is completed during the scheduled work hours for Street Department employees as much as possible. The established work hours for the Street Department are:

Regular Hours 7:00 am to 3:00 pm Monday – Friday

Summer hours are established in the Collective Bargaining Agreement between the Village of Avoca and Teamsters Local 118. With the consent of and at the discretion of the Avoca Village Board of Trustees, on an annual basis, special summer working hours, as shown below, may be authorized by the Village Board.

Monday through Thursday: 6:00 a.m. - 4:00 p.m.

The beginning and end date for summer hours is not set, but they will generally begin in the month of May and end in the month of September at a date to be set by the Village Maintenance Supervisor. However, the Board of Trustees retains the right to terminate the summer hours if doing so is in the best interest of the Village of Avoca. The summer hours work schedule shall start at the beginning of a new pay period and terminate at the end of a pay period.

It is the intent of the Village for employees to maintain a summer work schedule of Monday through Thursday, but the Mayor may advise the Village Maintenance Supervisor that the street department employees may be required to work a Tuesday to Friday schedule to accommodate special needs or events that may occur or be scheduled within the Village, in which case at least one (1) week notice will be given to all employees.

In the event the Board of Trustees determine that the 4 day/10 hour work week does not conform to the best interests of the residents in the Village of Avoca, the Mayor shall instruct the Village Maintenance Supervisor that the Street Department will return to the prior summer hours scheduled for:

Monday through Thursday	6:00 A.M. to 3:00 P.M
Friday	7:00 A.M. to 11:00 A.M.

One week notice shall be given in the event of this change.

- e. The Village Maintenance Supervisor daily schedule is set by the Board of Trustees and the Village Maintenance Supervisor is expected to oversee all work for the Street Department employees during the outlined hours in "d" above. The Village Maintenance Supervisor will be required to oversee all off-duty needs to the Village Street and Water Departments or assign these tasks to other members of the Street or Water Departments. The Village Maintenance Supervisor will be required to use accrued leave if absent from work during the outlined hours for the Street Department.
- f. The Village Maintenance Supervisor recognizes that the Village Maintenance Supervisor / Water Treatment Plant Operator employment is his / her primary employment and will take priority over any other employment possibilities for the person assigned to these positions. While the Village of Avoca will not restrict outside employment of the person assigned to these positions, any other employment by this assigned person shall be reported to the Mayor to ensure the hours of any outside employment do not coincide with the established hours of the Street Department and cause any conflict of time in the duties outlined in this agreement. **AT NO TIME SHALL THE PERSON APPOINTED TO THESE POSITIONS BE EMPLOYED IN ANY OUTSIDE EMPLOYMENT DOING BUSINESS WITH THE VILLAGE OF AVOCA.**
- g. All Street & Water Department employees must use a time clock to account for all time worked, to include the Village Maintenance Supervisor. In the event the Village Maintenance Supervisor reports directly to the field for an issue needing attention and does not first report to the Street Department, this time can be manually recorded on the time card on the next regular work date. This time clock is located in the Village Garage and the Village Maintenance Supervisor will secure and review all time-records for the other Street Department employees and sign for accuracy before being provided to the Village Clerk. The Village Maintenance Supervisor's time-record will be reviewed and signed by the Mayor bi-weekly before processing by the Village Clerk.
- h. The Village of Avoca recognizes the need for continued training of all Street Department employees for continued growth in their assigned duties. The Village Maintenance Supervisor shall have the authority to assign members of the Street Department to various trainings throughout the year, to include himself / herself. In the event the Village Maintenance Supervisor assigns himself to a training event and will be absent from the Village during normal hours of operation, the Village Maintenance Supervisor will notify the Mayor prior to any training event and advise of Street Department projects being conducted for that day. The Village Maintenance Supervisor shall work within the outlined budget for all training events for the Street Department and Water Treatment Plant and the Village will cover the cost of the trainings, any certification, and travel to and from any training site. Any training event where overnight stay or extended travel is required shall be prior approved by the Mayor and

presented to the Board of Trustees at the next monthly Board of Trustees Board Meeting.

- i. The Village Maintenance Supervisor will adhere to and follow all Procurement Policies as outlined by Village Policy and Procedure.
- j. The Village Maintenance Supervisor / Water Treatment Plant Supervisor does not have the authority to hire, suspend, or terminate any employee of the Village of Avoca Street Department. This authority, as established under Village Law of the State of New York, resides with and is maintained by the Mayor in conjunction with the Board of Trustees. However, the Village Maintenance Supervisor shall be a vital part of the management of the Village Street Department and shall be on any committee or part of any discussion on operational issues or pending personnel issues within the Street Department, except in contract negotiations with the Teamsters for the employment of Street Department personnel
- k. The Water Treatment Plant Operator shall have the authority to make his/her recommendation to the Mayor for the appointment of the Assistant Water Treatment Plant Operator. Unless exigent circumstances exist, this recommendation shall be presented to the Board of Trustees for approval.
- l. The Village Maintenance Supervisor shall ensure that all Street Department employees operate within the outlined procedure of the Street Department and Collective Bargaining Agreement. In the event the Village Maintenance Supervisor becomes aware of a violation of any provisions, such as leaving the boundaries of the Village during the paid 30 minute lunch period, the Village Maintenance Supervisor shall verbally discuss the issue and report the violation immediately to the Mayor for further action, if required.
- m. The Village Maintenance Supervisor shall be responsible to oversee the operation of the Village owned Brush Storage Area located on Reservoir Road in the Town of Avoca. This designated area is where brush, lawn clipping, trees or tree limbs and other organic material from the Village, either municipal or residential, is stored and processed. This area is for the deposit of village material listed above secured by the Village Street Department during pick-up or for village residents to dump this material there directly. This area at no time will be used for commercial dumping of the items listed above. The Village Maintenance Supervisor will ensure this area is maintained, the brush is processed and kept well organized at all times. The authority to modify any policy or provision for the Village Brush Storage Area resides exclusively within the purview of the Board of Trustees.
- n. Out-of-pocket expenses (expenses paid for directly and then submitted of reimbursement) incurred by the Village Maintenance Supervisor for official business and development to carry out the responsibilities necessary to their assigned duties will be reimbursed in full provided receipts are provided.

Prior approval must be obtained by the Mayor for any expenses over \$250.00.

- o. As established during the 2021 Budget Process, the Village of Avoca will no longer reimburse the Village Maintenance Supervisor for any private cell phone usage for Village business.
- p. Oversight of all Village of Avoca trucks and equipment owned and maintained for the purpose of conducting official business of the Village of Avoca. Said vehicles and equipment may not be used for personal use or private gain of any official or employee nor for any other purpose which is not in the general public interest.

The Village Maintenance Supervisor is responsible to ensure the following standards must be met at all times:

- 1. As a general rule, Village vehicles may not be taken home except in accordance with the other provisions of this policy.
 - 2. The Mayor and Board of Trustees reserves the right to inquire about the use of the vehicle anytime they wish. It will be the responsibility of the Street & Water Superintendent to answer all questions regarding Village of Avoca vehicle and equipment use.
 - 3. Village vehicles shall be used for all transportation purposes, but in the event a village vehicle is unavailable for usage to an official meeting, training seminar, etc., the Village Maintenance Supervisor will be reimbursed for mileage at the rate set by the Village. The Village Maintenance Supervisor must submit a voucher with the following information: name, date, meeting or event, and mileage to the Mayor. The Mayor will sign the voucher and present it to the Clerk/Treasurer for audit by the Village Board of Trustees.
 - 4. Village vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operations of village vehicles, and must report them to the Village Maintenance Supervisor and the Mayor. The Village is responsible and will pay for any fines due to equipment violations of said vehicle. Any violation other than equipment violation will be the expenses of the vehicle operator.
- q. If Street Department employees are in an accident, this accident must be reported to the Village Maintenance Supervisor immediately after notifying 911. The Village Maintenance Supervisor will advise the Mayor of the accident immediately after being informed. It is at the discretion of the Mayor / Deputy Mayor to have the employee tested for drugs and or alcohol involvement. The following criteria will be followed:

1. Fatal accident
2. Vehicle has to be towed
3. If an injury has occurred due to the accident
4. If a citation is issued
5. If more than \$500.00 damage was done to the vehicle

If the Mayor/Village Board of Trustees decides to have the employee tested, the test will be administered at the nearest hospital. The Village Maintenance Supervisor and/or Mayor will accompany the employee to the hospital. The Village Maintenance Supervisor and/or Mayor will inform the hospital which test will be administered to the employee. The employee will be suspended from driving village owned vehicles until the test results are back. The Village Maintenance Supervisor and Mayor will hold a meeting with the employee to review the results. If the test results concluded that either the alcohol and/or drugs were a factor in the accident it is at the Mayor and/or Village Board of Trustees discretion to place a written reprimand in the employees file, and/or terminate the employee from employment.

- r. The Village will purchase the necessary supplies, tools, equipment and fuel for the Street Department to carry out their job duty at the same time following the Procurement Policy of the Village. All tools, supplies, equipment and fuel purchased by the Village are the property of the Village. The Village Maintenance Supervisor shall ensure these tools are used for this intended purpose and these items should not be used for personal use or gain.

Also, the Village of Avoca shall provide all safety appliances at its expense any necessary safety appliances, that have not been explicitly mentioned in this document to including, but not limited to, hard hats, safety glasses, safety vests, flags, ear plugs, etc.

- s. The internet offers many resources to Village of Avoca employees for efficient exchange of information and the timely completion of assigned responsibilities. The use of the internet and email by any employee, volunteer or contractor must be consistent with this acceptable policy.

The Village Maintenance Supervisor shall ensure all employees and himself / herself is in compliance with the following internet and/or computer users are covered by this policy:

1. Authorized full and part time employees of the Village of Avoca
2. Volunteers who are authorized to use the Village of Avoca resources to access the internet
3. Contractors who are authorized to use the Village of Avoca owned or leased equipment and facilities.

Employees, volunteers and contractors who are not authorized to access the internet as part of their official duties, may not access the internet using

Village of Avoca facilities under any circumstances. It is expected that users who are authorized to access the internet as part of their official duties, will do so to improve their job knowledge; to access scientific, technical, and other information on topics which have relevance to their assignments and to communicate with their peers in other government agencies, academia, and industry. Users should be aware that when access is accomplished using internet addresses and domain names registered to the Village of Avoca, they might be perceived by others to represent the Village of Avoca. Users are advised not to use the internet for any purpose which would reflect negatively on the Village of Avoca or its employees.

If an authorized user violates any of these provisions, his or her access privileges may be terminated and future access may be denied and may be cause for disciplinary action up to and including a formal reprimand being placed in their file and/or discharge from employment.

The Village of Avoca has a policy regarding the Use of Computers, Internet, E-mail and the Security of Information. It is Policy Number 3 and can be found in the Official Policies Folder/Notebook held in the Village Office.

- t. The Village Maintenance Supervisor shall ensure that all employees in the Street Department are dressed appropriately. Highway employees are expected to wear appropriate attire which is furnished by the Village of Avoca through clothing / work boot reimbursement or issued directly by the Village.
- u. Street Department employees will have visitors during the course of their workday; however the Village Maintenance Supervisor will ensure that the visitors may not interrupt the daily function of the Street Department.
- v. All village employees are to notify their Supervisor when they are going to be absent (or late) from work within fifteen minutes of start time. It is considered to be good practice for employees to keep each other and the employer informed when they will be absent from the office. While the Village Maintenance Supervisor is given a wide latitude in the operation of the Street Department for the Village of Avoca, the Village Maintenance Supervisor will inform the Mayor of any scheduled absences or 4 continuous hours or more from the Street Department during hours of operation. Unauthorized absences may be grounds for disciplinary action.
- w. As a management position for the Village of Avoca the Village Maintenance Supervisor is charged with the operation of the Street Department and operations when emergency call in of Street Department employees is needed. The Village Maintenance Supervisor is responsible to call in employees of the Street Department for emergency work as needed, specifically the plowing and sanding of village streets and parking lots and the plowing of village sidewalks. Employees called-in to work outside their scheduled shifts shall perform only the work for which he/she

was called and shall be compensated in accordance with the Teamster Local 118 CBA.

As outlined in this agreement, the Village Maintenance Supervisor and Water Treatment Plant Operator is solely responsible and is given the authority to run the Street Department and Water Treatment plant. In the event no other employee can be reached or is able to come into work, the Village Maintenance Supervisor shall ensure the work needed to be completed is performed in a timely manner, 24 hours a day. These Village Maintenance Supervisor / Water Treatment Plant Operator shall then be compensated and adjust his weekly work schedule as outlined in this document to cover hours worked outside of the scheduled hours for the Street Department hours of operation.

- x. The Village Maintenance Supervisor, as well as being an employee, shall enforce the Rules and Regulations set forth by the Board of Trustees for all employees within the Street Department. Any violation of the Rules and Regulations set forth for all employees of the Village of Avoca shall be strictly enforced by the Village Maintenance Supervisor in the Street Department and any violations by employees shall be verbally addressed by the Village Maintenance Supervisor and reported as soon as possible to the Mayor. A written report on the violation may be required as requested by the Mayor. Such Rules and Regulations to be adhered to and monitored by the Village Maintenance Supervisor shall include:
 - 1. Controlled Substance and Alcohol Testing - The Village of Avoca reserves the right to test the employees randomly for alcohol and controlled substance throughout their employment with the Village of Avoca.
 - 2. Village of Avoca employees are prohibited from the use of tobacco products or any smoking in Village vehicles, at their work station, inside Village buildings or on any Village properties. If the Village employee wishes to smoke, they can smoke outside and off Village properties during their normal break times and lunch break. The Village of Avoca has a separate policy addressing this issue in detail and shall be adhered to at all times.
 - 3. Workplace violence is any act or threat (either verbal or implied) of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the Village of Avoca employees or which occur on Village property, is strictly prohibited.
 - 4. The Village Maintenance Supervisor does not have the authority to investigate employee complaints made by members of the public or other Village employees. Any employee complaint made to the Village Maintenance Supervisor shall immediately be forwarded to the Mayor for appropriate action. Any time an employee has a problem or concern they are free to contact the Mayor for assistance or guidance.

5. Public Relations - The Village of Avoca is proud of the work it is doing. To a large extent, the impression of the Village gained by the general public is in the hands of its employees. Courteous, professional and efficient treatment of the public is essential.
6. Employees may not become involved in political or private activities during working hours. Interruptions of a personal nature (i.e. personal telephone calls or individuals visiting the office) during working hours, should be kept to a minimum.
7. As a public servant, the employees representing the Village are expected to maintain satisfactory standards of conduct. The Mayor will investigate reports of misconduct of an employee within the Street Department with the assistance of the Village Maintenance Supervisor. Any verifiable acts of misconduct by the Village Maintenance Supervisor will result in Progressive Discipline as outlined in this document.
8. Under no circumstances shall the Village Maintenance Supervisor, or any employee in the Street Department, be assigned or required to engage in any activity involving a violation of any applicable, rule, statute, ordinance, regulation, or court order relating to safety of person or equipment. No employee shall be required to perform any hazardous task outside the employee's classification with which he/she is not familiar.
9. The above list is not intended to be all inclusive of any situation that may arise in the performance of the duties as outlined in this documents. In the event any situation arises not specifically mentioned within this document is presented, the Mayor shall inform the Board of Trustees and the appropriate action shall be pursued.

VII. Provisions Covering the Position of Village Maintenance Supervisor

1. The position of Village Maintenance Supervisor is an appointed employee position of the Village of Avoca where the appointed person serves at the discretion of the Mayor after approval of the Board of Trustees. The position shall be appointed for a period that runs concurrent with the term of the Mayor, but this appointment is also subject to the provisions of employment for a municipality under the rules a regulation of the State of New York. The all-encompassing laws listed below will not be outlined in this document, but the provisions of these laws and rules shall have authority over the continued employment or the person appointed to this position. Such governing rules and laws shall be:
 - a. The "Taylor Law" of the State of New York;
 - b. New York State Civil Service Law Section 75, Chapter 7, Article 5, Title B
 - c. The Village of Avoca Human Resource Manual (Revised 2021)

- d. All other applicable labor laws of the State of New York not specifically mentioned in this document.

VIII. Compensation and Benefits

As outlined in Article XI, Section 3 of this policy for the Village of Avoca, Anthony Comstock is the person assigned to the positions of Village Maintenance Supervisor and Water Treatment Plant Operator to full effect from June 1, 2022 until May 31, 2024.

For salary compensation for the assigned Village Maintenance Supervisor and Water Treatment Plant Operator see Appendix I attached to the end of this policy.

All other benefits allocated to the positions of Village Maintenance Supervisor and Water Treatment Plant Operator are outlined below.

1. The position of Village of Avoca Village Maintenance Supervisor and Water Treatment Plant Operator shall be provided the following benefits package for the duties performed by the employee:
 - a. **Hours Worked** – A minimum of 2080 hours of work annually in the two outlined salaried positions is required, to include the other authorized leave as outlined in the other provisions of this policy. Due to this provision, the position of Village Maintenance Supervisor and Water Treatment Plant Operator **will not** be eligible for overtime at the rate of 1.5 times regular pay in accordance with the other provisions as outlined. The hours worked will be monitored bi-weekly in accordance with the other provisions of this policy.
 - b. **Vehicle Use** - Use of a Village owned pick-up truck during the year to respond to plowing, water, or street use for the village as required. In this event, the Village pick-up truck may be kept at the Village Maintenance Supervisor's residence, at the discretion of the Village Maintenance Supervisor, but at no time shall be used for any personal needs or business, or to transport non-village employees.
 - c. **Authorized Leave** - Authorized Paid Leave as outlined:
 1. **Jury Duty Leave** – When selected for jury duty, subpoenaed to appear as a witness in any proceeding, or otherwise compelled to appear in any proceeding will be allowed leave as needed and will receive their normal pay. However, any employee on jury duty is expected to work when not actively serving. Under normal circumstances, the Village will not request a deferment from jury duty for its employees.
 2. **Funeral Leave** - If there is a death in the immediate family or household of Village Maintenance Supervisor, the Village shall pay the Village Maintenance Supervisor, besides the other approved

benefits, up to (4) days of paid leave to enable the employee to attend the decedent's funeral as well as to attend to matters relating to the death of the member of the employee's immediate family or household. The term "immediate" family means: spouse, children, stepchildren, parents, stepparents, mother-in-law, father-in-law, brothers, sisters, grandparents, the employee's spouses' grandparents, and the employee's grandchildren. The term "household" means any person who resides continuously with the employee for at least six (6) months out of the year.

3. Employees enlisting in or entering the military service of the United States, including being called to active duty, shall be granted all rights and privileges provided by the Uniformed Services and Reemployment Rights Act of 1994, or as such Act be amended.
4. The Family Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job protected leave per year. It also requires that their group health benefits be maintained during the leave. FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical issues. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women. FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. These employers must provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:
 - a. for the birth and care of a newborn child of the employee
 - b. for placement with the employee of a child for adoption or foster care
 - c. to care for an immediate family member (spouse, child or parent) with a serious health condition or
 - d. to take medical leave when the employee is unable to work because of a serious health condition

Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1250 hours over the past 12 months, and worked at a location where the company employs 50 or more employees within 75 miles. Whether an employee has worked the minimum 1250 hours of service is determined according to FLSA principles for determining compensable hours or work

Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.

- e. **Paid Holidays** - The Village Maintenance Supervisor shall receive the following paid holidays for the calendar year under the terms of this policy. For the purposes of this agreement the day off provided shall be the actual day of the holiday, (or observed day in some circumstances) and no further compensation shall be granted:

New Year's Day
Martin Luther King Day
Presidents Day
Memorial Day
Fourth of July

Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

- f. **Vacation Leave** - The Village Maintenance Supervisor shall be provided with the following vacation leave as outlined below. For the purpose of computing annual leave, years of service will mean continuous years of employment. Vacation will be credited on June 1st of each year. This position provided by this policy shall receive vacation time off with pay in accordance with the following schedule:

<u>Year of Continuous Service</u>	<u>Vacation Time Off</u>
1 thru 5 years	5 days
5 thru 10 years	10 days
10 thru 15 years	15 days
15 years +	20 days

In regards to vacation time off the following shall apply:

1. Vacation time must be used in (1) hour increments
 2. Vacation time of two or more consecutive weeks scheduled work days is subject to two weeks prior notice and approval of the Mayor.
 3. Prior notice as much as is possible shall be given to the Mayor for all days off.
 4. Employee may accumulate up to thirty (30) day' vacation time as of May 31. For each fiscal year the Village Maintenance Supervisor may have more than thirty (30) days' vacation time to their credit as of May 31, of each fiscal year.
 5. If the employee is terminated for cause any unused vacation pay will not be paid out.
 6. If the employee terminates his employment with the Village vacation pay will not be paid out.
 7. If the employee dies any accumulated vacation time shall be paid out to his/her spouse or estate.
- g. **Sick Leave** - The Village Maintenance Supervisor is eligible for sick leave as follows:
1. The Village Maintenance Supervisor shall receive (40) hours of sick days per year (accumulated on the first day of the first pay period each year).
 2. Any unused sick leave will roll over into the next year and shall be permitted to rollover up to 240 hours of sick leave.
 3. Any payout of sick leave upon retirement, severance, etc. will be capped at 240 hours.

4. If Village Maintenance Supervisor is terminated for cause any unused sick pay will not be paid out.
 5. If Village Maintenance Supervisor terminates his employment with the Village any unused sick pay will not be paid out.
 6. If Village Maintenance Supervisor dies any accumulated sick leave (up to 240 hours) shall be paid out to his/her spouse or estate.
 7. Sick leave shall receive normal days' compensation as applicable in addition to all other benefits provided by this policy.
 8. Sick leave must be used in (1) hour increments.
 9. The Village Maintenance Supervisor shall give prior notice as much as possible to the Mayor for all days off.
 10. If Village Maintenance Supervisor is off on sick leave for more than three (3) days a doctors' note will be required to return to work.
- h. **Disability Coverage** - The Village Maintenance Supervisor is provided Disability Coverage under the NYS Disability Law and must use all unused accumulated leave before going on disability. Upon returning to work from disability must provide written verification from a doctor as to their fitness to perform their duties prior to them returning to work.
- i. **Personal Leave** - The Village Maintenance Supervisor is eligible for Personal Leave under the following provisions:
1. The Village Maintenance Supervisor shall receive (40) hours of personal per year (accumulated on the first day of the first pay period each year)
 2. Any unused personal leave shall roll over into the next year and added to the accumulated sick leave.
 3. If the Village Maintenance Supervisor is terminated for cause any unused personal time will not be paid out.
 4. If the Village Maintenance Supervisor terminates employment with the Town any unused personal time will not be paid out.
 5. If the Village Maintenance Supervisor dies any unused personal time will be paid out to his/her spouse or estate.
 6. The Village Maintenance Supervisor must give prior notice as much as possible to the Mayor for all days off.
 7. Personal leave must be used in (1) hour increments.
- j. **Workman's Compensation** - The Village Maintenance Supervisor is covered for job connected injuries. It is the responsibility of Village Maintenance Supervisor to notify the Mayor of all job related injuries, including to himself / herself, as soon as they occur (within 24 hours) whether or not time is lost from work or medical cost are incurred. Employees will be required to verify all information relating to the accident and assist the Mayor/Village Clerk/Treasurer with any information necessary to submit paperwork to the Insurance Agent. Employees will continue to receive their regular pay/salary while on workers' compensation. Employees must furnish a doctor's statement as to their fitness to perform their duties prior to their return to work.

- k. **Retirement** - The Village Maintenance Supervisor will be provided the applicable New York State Retirement that the Village of Avoca participates in the New York State and Local Employees Retirement System. Participation is mandatory for all full time employees, Village Maintenance Supervisor. The Village of Avoca participates in the NYS Deferred Compensation Plan, participation in this plan is voluntary.
- l. **Work Clothing / Protective Clothing** - The Village of Avoca shall provide, at its expense, the Village Maintenance Supervisor the necessary gear for adequate protection from inclement weather conditions. The Village of Avoca shall provide work gloves as needed. All clothing shall be wool, cotton, or other natural fibers, not polyester, and be made in the USA whenever possible.

The Village Maintenance Supervisor shall receive a yearly stipend of \$300.00, to be paid in the first pay period of June of each year, to cover the cost of work cloths (long pants) and safety boots. All other safety gear and clothing outlined in the other provisions of this agreement shall be provided by the Employer as outlined.

- m. **Medical Insurance** - The Village of Avoca will provide the Village Maintenance Supervisor medical insurance through the New York State Teamsters Council Health and Hospital Fund, which will include:
1. Medical/Prescription
 2. Dental
 3. Vision

The Village Maintenance Supervisor will be responsible for a portion of the premium based on the current CBA between the NYS Teamsters Local 118 and the Village of Avoca. The Village Maintenance Supervisor / Water Treatment Plant Operator will pay 10% of the Annual Insurance premium beginning June 1, 2022, which will be paid bi-weekly during the normal payroll cycle.

Those employees not eligible for the NYS Teamsters Council Health and Hospital Fund insurance can purchase insurance through another BC/BS fund at full cost to the employee.

- n. **HRA Account Contributions** - Beginning June 1, 2022, the Village will contribute into the HRA account for the position of Village Maintenance Supervisor as follows:

One person = Three Hundred Dollars (\$300.00) per month
Two person = Six Hundred Dollars (\$600.00) per month
Family = Six Hundred Dollars (\$600.00) per month

- o. **Unpaid Leave of Absence** - Leave without pay may be granted to an employee for various reasons. Such requests shall be presented to the Village Board in writing, stating the reason and the duration of the leave requested. The Village Board has the authority for approving/disapproving the request. An unpaid leave of absence will not be granted during an employee's first year of employment.
- p. **Employment Longevity** – The employee assigned to these positions shall be entitled to further compensation for continuous years of service to the Village of Avoca. This compensation shall be above the salary amount specified in Appendix I of this policy. The employee receiving this benefit must have continuous years of service as an employee with the Village of Avoca to be eligible for this benefit. The following amount shall be paid annually to the employee in biweekly installments for each pay period:
 - 1. 10 years of continuous service - \$312 annually
 - 2. 15 years of continuous service - \$624 annually
 - 3. 20 years of continuous service - \$936 annually
 - 4. 25 years of continuous service - \$1,248 annually
 - 5. 30 years of continuous service - \$1,570 annually

IX. Disciplinary Process

- 1. The positions of Village Maintenance Supervisor and Water Treatment Plant Operator is considered a Management position in the Village of Avoca, but as outlined in this document the position is still an employee of the Village of Avoca and the person assigned to these two positions must maintain the highest standard of integrity and professionalism when representing the Village of Avoca. In the event a justified issue arises with the performance on the person assigned to these two positions, the following Progressive Disciplinary System will be in place and utilized.
- 2. The Village of Avoca will administer a system of Progressive Discipline for all employee who fails to follow any and all policies and guidelines of the Village of Avoca, to include the Village Maintenance Supervisor / Water Treatment Plant Operator. It is the policy of the Village of Avoca to consistently administer a fair and effective program of employee counseling and discipline relating to rules of conduct governing employee's activity in the workplace, job performance and other work practices. The practice is designed to provide a system of due process intended to correct employee behavior and to improve job performance of the individual, provide employees with a systematic opportunity to discuss and correct inappropriate behavior, inform

employees of what specific "on the job" conduct is considered unacceptable and what corrective action may be administered when unacceptable behavior has occurred.

3. The term "discipline" is not used in a threatening or punitive sense. When discipline occurs, "corrective action" and "willing cooperation" is anticipated to be the outcome.
4. The Village of Avoca's Code of Ethics, Standard Rules of Conduct, and other adopted policies apply to employee actions which interfere with the safe and proper operation of the Village of Avoca or the performance of a job. These rules are reasonable and apply to all employees.
5. Employee violations will call for some form of counseling or disciplinary activity. In most cases, action will be in the form of Preliminary Progressive Discipline. In more serious cases of conduct violations, such as any form of insubordination, immediate suspension and/or involuntary termination may result. Documentation of any disciplinary action will be signed by the employee and/or Mayor who will provide the counseling, and placed in the employee's personnel file. If an employee refuses to sign the document, refusal will be noted.
6. In most cases there is no mechanical formula for establishing disciplinary action however, four (4) important factors will be considered in cases which are not clear-cut rule/policy violations:
 - a. The seriousness of the offense
 - b. The employees past record
 - c. The circumstances surrounding a particular case
 - d. Past practice in similar cases
7. A system of Progressive Discipline will be administered by the Village of Avoca when an employee fails to follow any and all policies and guidelines of the Village of Avoca. However, in the event of a serious violation by the employees, suspension with or without pay or involuntary termination may be warranted. In all other cases, Progressive Discipline will be administered as outlined below:
 - a. **Step One – Employee Counseling Session**

An employee counseling process will be administered as a non-disciplinary means of informing employees of problems concerning their individual standards of work performance, minor rule infractions of policies and procedures. The Mayor will offer the employee specific suggestions or corrective action to be taken. A written report will be created to record the counseling and be presented to the Board of Trustees in Executive Session at the next monthly meeting along with an explanation for the counseling.

These reports will be kept in a file within the personnel file for the employee..

b. Step Two – First Written Notice

Employees who have not responded to previous counseling sessions will be issued a preliminary written warning notifying the employee that continued unacceptable activity will initiate formal Progressive Discipline.

The employees' signature will be requested to verify presentation of the notice. Copies will be given to the employee and placed in the employee's personnel file. Since these positions are Management in nature, these notices will remain in the employees file indefinitely.

c. Step Three – Second Written Notice and Action

A second written notice will be sent informing the employee of his/her continued failure to comply with Village of Avoca policies, procedures, Code of Ethics, an inability to carry out job responsibilities in an acceptable manner, or to exhibit work behavior which is deemed acceptable and professional. This will be accompanied by suspension with/or without pay as advised by the Mayor and then reported to the Board of Trustees for final approval and /or further action.

The employee's signature will be requested to verify presentation of the notice and copies will be forwarded to the employee and the letter will be included in the employee's official personnel file.

d. Immediate Suspension (with or without pay)

Immediate suspension with or without pay will result at the time when an employee's actions are deemed unacceptable and action is warranted and/or have been issued a second written notice.

The following procedure will be adhered to:

1. The Mayor will have the sole authority to suspend the person in the Village Maintenance Supervisor / Water Treatment Plant Operator positions as outlined in this document.
 - a. In the event of suspension, the Mayor shall as soon as possible meet with Board of Trustees to inform and discuss the reason for suspension and further action to be taken.
 - b. In the event of suspension, the employee shall be suspended with pay until the approval of suspension is confirmed by the Board of Trustees. At this point, suspension without pay may be warranted.
 - c. The employee will receive an immediate suspension at the direction of the Mayor and shall be suspended until advised further after the meeting of the Board of Trustees. A record will be retained in the employee's personnel file. In the event the employee is found innocent, the employee shall receive all back

pay and all references on suspension shall be removed from their file.

- d. Over the course of the suspension period, the Mayor or designated Board of Trustees member will conduct a complete investigation.
- e. Investigative results will be thoroughly reviewed for the purpose of determining the prospect for continued employment of the employee in question or disciplinary action to be taken. The employee will be notified of the final outcome in writing.
- f. In most cases, the provisions of Progressive Discipline notices will remain in the employees personnel file for the duration of his/her employment, but in the event the employee maintains an acceptable record for a period of at least one (1) year following the last notice, the employee may request to the Mayor a record review. This employee may be eligible to have the record removed as determined by the Mayor after presenting the request to the Board of Trustees to have the specific previously administered discipline notice voided and removed from his/her personnel file.

e. Involuntary Termination

- 1. When circumstances warrant, at any point throughout the discipline process an employee may be involuntarily terminated (discharged, dismissed, and fired). Such action will be administered by the Mayor and then presented to the Board of Trustees, to careful consideration all aspects of the specific case. In the event a majority (3 out of the 5) of the Board of Trustees feels the involuntary termination is in error, the Board may call for a vote to overturn the determination of the Mayor. A unanimous vote of all (4) Trustees must be made to overturn the decision for involuntary termination. In the event no other action is taken, a letter of termination signed by the Mayor stating the reason(s) for dismissal will be given to the employee, with a copy being placed in the employee's personnel file. Employees terminated will receive accrued benefits as described in related sections of this policy. Any final settlement will be withheld until all keys, records, property and other relevant items have been turned over to the Village of Avoca by the employee.

f. Hearing Before Discharge or Suspension without Pay

- 1. Before any Employee is discharged or suspended without pay, the Village of Avoca shall provide to such employee with written notice of the charges against the employee, an explanation of the employer's evidence, and an opportunity for the employee to present their side of the story, including reasons why the employer's proposed action should not be taken. The employee's side of the story may be presented orally, in writing, or both.

2. The employee shall be responsible for any and all representation for their employment purposes and be responsible to cover all costs incurred in their own defense, whether the charges and specifications as outlined are confirmed or overturned.
3. The Hearing shall be held in Executive Session with the Board of Trustees and the Hearing Officer assigned as prescribed by law.

X. Personnel File

1. An employee shall, within five (5) working days of presenting a written request to the Mayor, be provided the opportunity to review his/her official personal history folder in the presence of the Mayor or a Trustee designated by the Mayor. This right shall not be abused. The employee shall be allowed to take notes of any documents located within the personnel file, but at no time shall any copies or photographs be made of the file, except under the direction of the Mayor. During the review of the personnel file, no documents shall be added or removed from the file for any reason.
2. The official personal history folder shall contain all memoranda and documents relating to the employee which contain criticism, commendation, appraisal, or rating of the employee's performance on his job. Copies of such memoranda and documents shall be sent to the employee simultaneously with their being placed in the official personal history folder.

XI. Exceptions

1. The Village of Avoca has made the appointed Village Maintenance Supervisor / Water Treatment Plant Operator aware that the current Collecting Bargaining Agreement in place at the time of the signing of this policy between the Village of Avoca and the Teamsters Local Union No. 118 has no affect or implication on the position of Village Maintenance Supervisor or Water Plant Treatment Operator and no provisions of that agreement in any way attach or can be implemented by the person appointed to these positions, unless specifically mentioned in the CBA, such as providing Health Insurance Coverage to non-members, the provisions of that document have no application and will not be referenced.
2. As this policy is in place to outline the duties and responsibilities place both on the Village of Avoca and the person assigned to these positions, this is still a policy of the Village of Avoca, not a contract, and the Mayor with the approval of the Board of Trustees maintains all rights to reexamine, discuss and modify certain provisions of this agreement, such as provisions for compensation and benefits, if the circumstances of the employee assigned to these positions' changes in the future for unforeseen circumstances.

3. Any change(s) in the Collective Bargaining Agreement with the Teamsters Local No. 118 contract between the Village of Avoca and Street Department employees' reference within this policy shall be made immediately by the Mayor and presented to the Village Maintenance Supervisor after presentation to the Board of Trustees at the next monthly meeting.

XI. Employee Assignment

1. After careful consideration and review of the all provisions of this policy with the responsibilities as outlined for the positions of Village of Avoca Village Maintenance Supervisor and Water Treatment Plant Operator, the following provisions are in place.
2. The provisions of this policy shall be in full effect from June 1, 2022 until May 31, 2024.
3. The employee assigned to the positions of Village Maintenance Supervisor and Water Treatment Plant Operator is **Anthony Comstock**.

Appendix I

Annual Salary Compensation for Village Maintenance Supervisor and Water Treatment Plant Operator shall be as outlined below, to include the other benefits as outlined in Article VIII.

When making the determination for the salary applied to a position in the Village of Avoca, the Board of Trustees must take careful consideration as to the spending of taxpayer dollars in conjunction with fairly and accurately providing compensation to an employee based upon tenure, work expertise and knowledge of the position.

New York State has standardized the basic work week as being 40 hours a week for 52 weeks a year, or 2080 hours annually. While this number is a baseline for the positions outlined in the policy, due to the nature of these positions and the requirements and responsibility of the person assigned to respond to issues and concerns for the street and water systems for the Village of Avoca outside of the established hours for the Street Department, this number does not accurately reflect the hours required to oversee these positions. As stated above, neither position outlined will not be eligible for overtime at the rate of 1.5 times regular pay in accordance with the other provisions of this policy.

Therefore, Anthony Comstock, as outlined above, will be required to work the hours required to ensure the Street and Water Department for the Village of Avoca continue to operate and function in the manner that historically has been observed, and his annual salary is being established as outlined below.

1. **Annual Salary** - The annual salary for the outlined positions shall be **\$59,876.00** annually, to be further defined as follows:
 - a. The Village Maintenance Supervisor position shall be an annually salaried position with compensation in the amount of **\$44,000.00** annually to be paid bi-weekly to the appointed person.
 - b. The Water Treatment Plant Operator position shall be an annually salaried position with compensation in the amount of **\$14,885.00** annually to be paid bi-weekly to the appointed person.
 - c. The Water Treatment Plant Operator position shall require the remote monitoring of the village owned water treatment system. Equipment purchased to monitor the system remotely at all times has been purchased by the village and linked to the Water Treatment Plant Operator and the Assistant's cellphone. For this monitoring process, the Water Treatment Plant Operator will be paid the amount of **\$1,000.00** annually, to be paid bi-weekly to the appointed person.
2. **Annual Salary Increases** – Whereas this is a policy for the Village of Avoca and not considered as a contract between two parties, any increases in the annual salary compensation for Anthony Comstock while assigned to the two positions will be presented and discussed by the Village Board of Trustees during the annual budget planning meetings for implementation during the next fiscal year for the Village of Avoca.