

**DEPARTMENT OF
PUBLIC WORKS
SANITATION/RECYCLING
DIVISION**

WORK RULES

TOWN OF OYSTER BAY
Inter-Department Memorandum

To: All Sanitation & Recycling Personnel
From: Raymond Starke, Sanitation & Recycling Division Head
Subject: Sanitation & Recycling Work Rules
And Driver Training Rules for Commercial CDL B
License for Promotion to Driver (Sanitation Worker II)

I _____ on _____ have received
(Name) (Date)

a copy of the Sanitation/Recycling Division Work Rules. I accept the attached Work Rules and will be responsible for reading and understanding the contents. I understand that failure to comply with the Work Rules will result in the penalties listed within.

Employee Name (Print)

Employee Signature

Raymond Starke, Division Head
Sanitation & Recycling Division

This one work rule replaces Sanitation Work Rules 1,2, and 3, and the DPW Work Rule No. 2. Under the above, a violation of any section of the Work Rule will be marked at the section as well as the overall Attendance Violations. Therefore, violation of any one section four times will result in disciplinary action and any violation of any combination of the sections of the Rule that totals six shall result in disciplinary action.

W –Warning
D –Disciplinary Hearing

ATTENDANCE VIOLATIONS:

	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense	Sixth Offense
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Violation of any of the following Work Rules shall be considered a chargeable offense:

<p>A) All Sanitation employees who fail To report to work by 5:45 a.m., or 6:15 a.m., unless otherwise assigned. Persons reporting within 15 minutes of this time will be allowed to work But the offense will be counted. Beyond the 15 minutes the employee will be marked “A” indicating absent no pay which is an unauthorized leave.</p>	W	W	W	D		
<p>B) All Sanitation employees who fail To make sick calls by the 5:30 a.m. deadline at 677-5751 and Recycling employees who fail to make sick calls by the 6:00 a.m. deadline, unless otherwise assigned, at 755-1839 will be considered absent without leave or “absent no call.” These employees will be marked “A” indicating absent no pay. Crews assigned to early trucks must call their respective divisions no later than their schedule start time.</p>	W	W	W	D		

C) Whenever an employee is marked "A"

Indicating absent no pay for a regular

Work shift: In addition to the above,

This marking shall be used for absences W W W D

Whenever an employee with sick time

Available fails to bring in a doctor's

Note, when it is required.

DEPARTMENT OF PUBLIC WORKS-SANITATION/RECYCLING DIVISION WORK RULES

The following work rules will be subject to penalties as listed. The offense will remain on the employee's record for one year after the date of the offense.

The following initials will be used as indicated below:

W-Warning

D-Disciplinary Hearing

In addition to the Department of Public Works Work Rules, the following Work Rules will apply to this Division:

W-Warning

First Second Third Fourth Fifth

D-Disciplinary Hearing

Offense Offense Offense Offense Offense

S-2 Never activate packing mechanism on rear loaders unless turnbuckles are properly fastened. Collection crews shall haul only the type of refuse they have been assigned. (Example: No propane tanks, motor oil, chemicals, paints, etc.)	W	W	W	D
S-3 Do not push refuse into hopper while packer is in motion. Make sure there are no objects in the edge of the hopper, such as lumber or pieces of glass, which might fly out and injure someone when packer is in motion. Do not push refuse into hopper with resident's garbage cans.	W	W	W	D
S-4 When loading vehicle "half hopping" is forbidden. Never leave refuse in hopper when truck is full.	W	W	W	D
S-5 All refuse and recyclables collected shall be delivered to the designated disposal point, where the complete load must be discharged under the direction of the disposal site before unfastening turnbuckles or latches.	W	W	W	D
S-6 Use caution when opening manually operated rear door on bulk trucks and recycling trucks.	W	W	W	D

DEPARTMENT OF PUBLIC WORKS-SANITATION/RECYCLING DIVISION WORK RULES

W-Warning D-Disciplinary Hearing	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense
S-7 Employees not operating dumping controls shall stay in the vehicle until the load is completely discharged. When tailgate, and/or body, is in the raised position, never have any part of your body between vehicle body and under tailgate.	W	W	D		
S-8 In the event of fire, dump the load in a safe place away from cars, and other objects that might catch fire. After load is dumped, pull truck away from fire and out of the way of the fire equipment.	D				
S-9 All drivers will report, to the office, in writing, each stop that is intentionally not picked up on his route. Driver reports must be completely filled out and turned into Supervisors at the end of the work day.	W	W	W	W	D
S-10 All Sanitation Worker II employees, and Recycling Worker I employees will report to and sign in with their immediate supervisor prior to starting their collection routes.	W	W	D		
S-11 Garbage cans must be placed standing up on the utility strip. Where there is no utility strip, cans must be placed off the street at property line. Cans cannot block driveway. recycling pails shall be placed up on the curb in the upside down position having been properly emptied.	W	W	W	W	D
S-12 Sanitation and Recycling crews cannot throw away or damage resident's garbage cans, kitchen or bathroom cans or buckets without homeowner's permission. If can is illegal or unsafe, notify your supervisor.	W	W	W	D	

DEPARTMENT OF PUBLIC WORKS-SANITATION/RECYCLING DIVISION WORK RULES

W-Warning
 D-Disciplinary Hearing

First Offense Second Offense Third Offense Fourth Offense Fifth Offense

<p>S-13 Any garbage, rubbish, or recyclable material that fell out of the truck, or was dropped by the crew, must be cleaned up before moving to the next stop.</p>	W	W	W	W	D
<p>S-14 If truck develops hydraulic leak, driver must shut off valve to hydraulic system immediately. if truck develops hydraulic leak, oil leak or coolant leak, driver must pull truck over to the side of the road and turn off truck.</p>	W	D			
<p>S-15 Crews must clean their route truck on their regularly scheduled cleaning day. Whenever a crew completes the day with a spare truck, the crew must clean that truck that same day. Supervisors are responsible for checking trucks for cleanliness and reporting findings on their reports.</p>	W	W	W	W	D
<p>S-16 All drivers are responsible For storing and maintaining all safety equipment, (fire extinguisher, Safety triangles, first aid kit, flashlight, hardhat and safety vest). When assigned a vehicle, the safety equipment, vehicle registration and insurance cards must be in their possession. They are responsible for accurately completing the pre-trip and post-trip inspections. Any item checked off as no good (NG) must be turned in to CVM.</p>	W	W	D		
<p>S-17 Drivers must not move trucks from parking space in the morning until they are ready to leave for route or taking truck into garage for repair. helpers are not allowed to move the trucks without supervision of a driver.</p>	W	W	W	D	

DEPARTMENT OF PUBLIC WORKS-SANITATION/RECYCLING DIVISION WORK RULES

W-Warning
D-Disciplinary Hearing

First Offense Second Offense Third Offense Fourth Offense Fifth Offense

S-18 At the end of each work day, drivers must open all air valves, make sure plow hitch and hopper blade is down in the proper position. During the winter season all engine heaters must be plugged in.	W	W	W	W	D
S-19 Drivers must do the routes in the order instructed by their Supervisor.	W	W	W	D	
S-20 All Sanitation Supervisors and Recycling Supervisors are responsible for enforcing all Work Rules and Rules of Conduct.	W	W	W	D	
S-21 Failure to pick up recyclables by SORT personnel at a required stop is prohibited unless otherwise documented on driver's report.	W	W	D		
S-22 Driving a vehicle in a reckless and/or unsafe manner or in excess of posted speed limit including on Town property.	W	D			
S-23 Failure to place recyclables into their property designated Compartments.	W	W	D		
S-24 Under no circumstances shall there be stockpiling of recyclables on street corners, courts, etc.	W	W	D		
S-25 When the dual entry Recycling trucks are in route to be emptied, under no circumstances shall the truck be driven unless all aide panels are in place and sides are totally enclosed.	W	D			

DEPARTMENT OF PUBLIC WORKS-SANITATION/RECYCLING DIVISION WORK RULES

W-Warning

First

Second

Third

Fourth

Fifth

D-Disciplinary Hearing

Offense

Offense

Offense

Offense

Offense

<p>S-26 Any employee will not leave the Town of Oyster Bay boundaries during working hours without permission of the Commissioner Of Public Works or his designee.</p>	<p>D</p>				
<p>S-27 When operating the dual entry recycling truck, individual utilizing the secondary brake system shall not leave the vehicle until it comes to a complete stop.</p>	<p>W</p>	<p>D</p>			
<p>S-28 Any non-recyclable material left behind by crew shall be placed back in the recycling pail in upright position with tag placed in handle. Address and reason for leaving materials behind must be noted on driver's daily Report.</p>	<p>W</p>	<p>W</p>	<p>W</p>	<p>W</p>	<p>D</p>
<p>S-29 All Recycling Worker I employees shall follow the policy of the Department regarding designated compartments for recyclables on the recycling trucks. Including additional recyclables as may be added by the Town as well as curbside sorting of recyclables if and when required.</p>	<p>W</p>	<p>D</p>			
<p>S-30 Recycling crew must, after dumping at each station, lower truck body, close rear door, and relock walls. All sanitation vehicles must lower truck body and secure tailgate with turnbuckles prior to leaving transfer Station building.</p>	<p>W</p>	<p>W</p>	<p>W</p>	<p>D</p>	

DEPARTMENT OF PUBLIC WORKS-SANITATION/RECYCLING DIVISION WORK RULES

W-Warning

First

Second

Third

Fourth

Fifth

D-Disciplinary Hearing

Offense

Offense

Offense

Offense

Offense

<p>S-31 No employee shall operate an igloo boom in such a manner that it lifts and igloo over vehicles or people. at no time is the boom to be operated or placed closer than fifteen feet to any power lines without specific permission of your immediate supervisor.</p>	W	D			
<p>S-32 Sanitation and Recycling workers shall return to complete their assigned route if it is found to be incomplete or improperly completed. If crew is done for the day and cannot return to complete the route, they will be in violation of this rule.</p>	W	D			
<p>S-33 Sanitation and Recycling workers shall stay for scheduled employee training and/or education as part of their task and/or job completion.</p>	W	D			
<p>S-34 Recycling workers must report for holiday makeup collection.</p>	W	W	D		
<p>S-35 Failure to direct truck while it is backing up, except at the Transfer Station.</p>	W	W	D		
<p>S-36 Failure to tarp igloo truck or roll-off.</p>	W	W	D		
<p>S-37 All employees are not permitted to drive or to park their personal vehicles in the sanitation office area, unless they are out of work on authorized leave and are visiting on town related business.</p>	W	W	W	D	

DEPARTMENT OF PUBLIC WORKS-SANITATION/RECYCLING DIVISION WORK RULES

W-Warning
 D-Disciplinary Hearing

First Offense Second Offense Third Offense Fourth Offense Fifth Offense

<p>S-38 All employees assigned a radio are required to return it to the dispatcher immediately at the end of the work day.</p>	<p>W</p>	<p>W</p>	<p>D</p>
<p>S-39 Drivers must make a full stop Before entering the scale.</p>	<p>W</p>	<p>W</p>	<p>D</p>
<p>S-40 Smoking is not permitted in the Transfer Station.</p>	<p>W</p>	<p>W</p>	<p>D</p>
<p>S-41 A maximum of one unloading vehicle per bay, unless otherwise instructed by the attendant.</p>	<p>W</p>	<p>W</p>	<p>D</p>
<p>S-42 Only one person per vehicle will be permitted outside the vehicle while in the Transfer Station and they must be wearing a high visibility safety vest and hard hat (helmet). The driver or a qualified (enrolled in T.O.B. Drivers Training Program) helper must remain inside the vehicle and behind the wheel at all time.</p>	<p>W</p>	<p>W</p>	<p>D</p>
<p>S-43 All Sanitation and Recycling Workers must stay within six feet of their vehicle while inside the Transfer Station at no time will an employee be permitted to walk behind the vehicle (except roll-off drivers). All employees must walk in front of the trucks to unlatch or latch turnbuckles (hooks) or rear doors (except roll-off drivers). Rear door latch of recycling trucks must be open from the right side (driver's side) only.</p>	<p>W</p>	<p>W</p>	<p>D</p>

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

To: All Sanitation & Recycling Division Employees
Department of Public Works

From: Raymond Starke, Division Head
Sanitation & Recycling Division
Department of Public Works

Subject: New Transfer Station Dumping Procedures

Effective Monday, November 15, 2004, the following transfer Station Dumping Procedures will Apply:

1. All drivers or qualified (driver training program) helpers driving the truck into the transfer station, must remain in the vehicle and behind the wheel at all times.
2. Only one vehicle per bay unless otherwise instructed by an attendant.
3. All employees must remain inside the vehicle until the vehicle is done backing up (no one is to be outside backing up the truck).
This applies only at the transfer station (in all other situations someone must be backing up the driver).
4. All employees exiting the truck in the transfer station must wear high visibility safety vests and hard hats (helmets). Hard Hats (helmets) will be provided at a later date.
5. Only one employee per truck will be permitted outside the vehicle in the transfer station (for dumping purposes only).
6. All employees must remain within six (6) feet of their vehicle at all times.
7. Sanitation employees must open passenger side turnbuckle (hook) first then walk around the front of the truck to do the driver's side turnbuckle (hook). At no time will you be permitted to walk behind the vehicle.
8. Recycling employees will exit the truck from the left hand (passenger side) walk around the front of the truck and open the rear latch from the right hand (driver's) side only.
9. Tailgates/Truck Bodies must be lowered and turnbuckles (hooks) must be tightened and rear doors must be latched before exiting the transfer station.
10. There will be no riding on the rear or side steps at any time in or to and from the transfer station.
11. At no time will an employee be permitted underneath the tailgate for any reason (no exceptions).
12. No loitering, smoking or scavenging in the transfer station.
13. The use of cell phones or non-authorized radio equipment is prohibited inside the transfer station.

In order to ensure continued cooperation between the town and waste management, it is imperative that all employees be considerate and respectful to all landfill and waste management employees at all times.

Your cooperation is expected and greatly appreciated.

Raymond Starke
Division Head

Cc: Richard W Lenz, P.E. Commissioner/DPW
Eric Swenson, Superintendent of Env. Resources
John Barton, Sanitation, Supervisor III
Peter Wagner, Sanitation Supervisor III
John Hommel, Recycling Supervisor II
Gregory Loeffler, Supervisor of Solid Waste Operations
August Buckhardt, President/CSEA Local 881
Robert Rauff, Jr. 1st Vice President/CSEA Local 881
Jose L. Rodriguez, Waste Management/Safety Specialist

DEPARTMENT OF PUBLIC WORKS

W-Warning

D-Disciplinary Hearing

First
Offense

Second
Offense

Third
Offense

Fourth
Offense

Fifth
Offense

<p>1.All employees will report on time and ready to work. Starting time will be designated by Division Head.</p>	W	W	W	W	D
<p>2. Absent without leave – which will mean failure to call or communicate with Division.</p>	W	W	W	D	
<p>3. Sick call will be made within one hour after starting time unless otherwise stated by Division. Failure to call will be considered A/W/L. Late call will be marked as an offense and employee will not be paid for the day.</p>	W	W	W	W	D
<p>4. When assigned to a vehicle, the helper is directly under the supervision of the driver and will follow his direction. Any questions from residents are to be referred to the driver.</p>	W	W	W	D	
<p>5. All employees must report to work in uniform (when issued) and must be worn through the work day. Sneakers, loafers, clogs, or sandals are not safe footwear and anyone attired in same.</p>	W	W	W	W	D
<p>6. Foul weather gear will be assigned each employee when deemed essential and it is his responsibility to have same available for inclement weather conditions. In order to obtain replacements, old gear must be turned in.</p>	W	W	W	W	D
<p>7. All injuries or accidents must be reported before leaving the day it occurred. If medical treatment by doctor or hospital has been given, this information must be relayed to the immediate supervisor in charge immediately.</p>	D				

DEPARTMENT OF PUBLIC WORKS

W-Warning

D-Disciplinary Hearing

First
Offense

Second
Offense

Third
Offense

Fourth
Offense

Fifth
Offense

<p>8. At no time will any employee partake alcoholic beverages or illegal drugs on the job. If taking medicine prescribed by a Doctor, report same to immediate supervisor before going on duty.</p>	D								
<p>9. It is the operator's responsibility to Report to his supervisor all dangers not Previously reported on vehicle assigned To him prior to leaving for assigned duties.</p>	W	W	D						
<p>10. Salvaging by employees shall not be permitted.</p>	W	D							
<p>11. In event of fire in Town vehicle, call Fire Department and notify supervision giving the location of the fire.</p>	D								
<p>12. Distributing written or printed matter of any description in work areas unless approved by Department Head.</p>	W	D							

DEPARTMENT OF PUBLIC WORKS

W-Warning
D-Disciplinary Hearing

First Offense Second Offense Third Offense Fourth Offense Fifth Offense

13. Posting or removal of any matter on bulletin boards of the Town of Oyster Bay at any time, unless specifically authorized by Department Head.	W	W	W	D	
14. Leaving work area without permission before end of shift.	W	W	D		
15. Employees will park in designated areas only.	W	W	W	D	
16. Employees operating motor vehicles at any kind are required to make available their driver's license to their immediate supervisor at three (3) month intervals. In instances where licenses have been revoked suspended or permitted to expire, employee must report same to his supervisor immediately.	D				
17. Operators are responsible to keep equipment in a clean condition both inside and out.	W	W	W	W	D
18. All sick leave before or after a vacation period or holiday must be substantiated by proof of illness.	W (and loss of pay for period of illness)	W	D		
19. Town employees are not to be on Town property unless working or otherwise authorized.	W	D			
20. Employees must report any unauthorized persons that are found on Town property.	W	W	W	D	

DEPARTMENT OF PUBLIC WORKS

W-Warning D-Disciplinary Hearing	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense
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<p>21. Any employee leaving the job due to an alleged illness, which is job related, must report to the Town doctor, the hospital, or if he so desires, his own doctor. If the employee elects to go to his own doctor, he must submit medical evidence that he has gone to his own doctor. If the employee does not comply with the above, he will not be paid for the day.</p>	W	W	W	D	
<p>22. Any employee leaving the job due to an alleged illness, which is not job related, must report to the Town doctor, the hospital, or his own doctor. If the employee elects to go to his own doctor, he must submit medical evidence</p>	W	W	W	D	
<p>23. At the end of the work shift all employees will return tools and equipment issued to them for the day's work.</p>	W	W	D		
<p>24. At the end of each work day all drivers and operators, Bureaus included, must check and add fuel and oil. If necessary to their assigned vehicles.</p>	W	W	D		
<p>25. At the beginning of the work day, all drivers will check and add water. If necessary to their assigned vehicles.</p>	W	W	D		
<p>26. Any employee bringing a vehicle to the Central Vehicle Maintenance Garage for repair must fill out and sign a request form and return copy as directed by the Division Head.</p>	W	W	D		

DEPARTMENT OF PUBLIC WORKS

W-Warning
D-Disciplinary Hearing

First Offense Second Offense Third Offense Fourth Offense Fifth Offense

<p>27. All employees operating vehicles with two-way radios will 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.</p>	W	W	D		
<p>28.All mechanics and equipment operator will be required to have and maintain a valid N.Y.S. Motor Vehicle License.</p>	D				
<p>29.All employees who are issued tools will report loss or theft of tools etc. at once in writing to their foreman.</p>	W	D			
<p>30.No employee shall keep or store any Town of Oyster Bay vehicle Out of the Town of Oyster Bay during a period when such Employee is not on active duty with the Town of Oyster Bay, Except upon written permission of the head of the department to which that employee is attached.</p>	W	W	W	D	
<p>31.No Town of Oyster Bay owned vehicle is to be taken more than twenty (20) miles outside of the Town of Oyster Bay by any employee of the Town without the written permission of the head of the department to which that employee is attached.</p>	W	W	W	D	

DEPARTMENT OF PUBLIC WORKS RULES OF CONDUCT

The following acts of misconduct will be subject to divisional punishment as indicated. Any employee who does not wish to agree to punishment as indicated will be entitled to a disciplinary hearing in accordance with Section Hearing 75 of the Civil Service Rules.

The following initials will be used as indicated below: W- Warning
D – Disciplinary

First Second Third Fourth Fifth
Offense Offense Offense Offense Offense

<p>M – 1. Unauthorized operating, using, or possessing machines, tools, or equipment to which The employee has not been assigned.</p>	W	W	D		
<p>M – 2. Use or possession of another employee’s tools without the employee’s consent.</p>	W	D			
<p>M-3. Causing material or parts to be scrapped due to carelessness.</p>	W	W	W	W	D
<p>M-4. Mistakes due to carelessness which affect the safety of personnel and/or damage to Town equipment.</p>	W	D			
<p>M-5. Threatening, Intimidating, coercing or interfering with fellow employees.</p>	W	W	D		

DEPARTMENT OF PUBLIC WORKS RULES OF CONDUCT

The following acts of misconduct will be subject to divisional punishment as indicated. Any employee who does not wish to agree to punishment as indicated will be entitled to a disciplinary hearing in accordance with Section Hearing 75 of the Civil Service Rules.

The following initials will be used as indicated below: W - Warning
D – Disciplinary

First Second Third Fourth Fifth
Offense Offense Offense Offense Offense

M-6. Making a false, vicious, or malicious statement concerning any employee.	W	W	W	D	
M-7. Reporting for work while under the influence of alcohol or drugs.	W	W	W	D	
M-8. Violating an existing safety rule or safety practice provided herein or in any statute.	W	W	W	W	D
M-9. Mistakes due to lack of knowledge.	W	W	W	W	D
M-10. Mistakes due to negligence.	W	W	D		
M-11. Sleeping on duty.	W	W	W	D	
M-12. Engaging in horseplay, Improper conduct, or malicious mischief.	W	W	D		

DEPARTMENT OF PUBLIC WORKS RULES OF CONDUCT

The following rules of misconduct will be subject to immediate disciplinary hearing under Section 75 of the Civil Service Rules.

M-13. Falsifying personnel records or Town of Oyster Bay records.
M -14. Possession of weapons, firearms, or explosives, unless authorized by the Town of Oyster Bay.
M-15. Theft or removal from the premises, without proper authorization, any Town property or property of any employee.
M-16. Gambling or engaging in a lottery on Town premises, except New York State Lottery.
M-17. Deliberately misusing, destroying or damaging any Town property or property of any employee.
M-18. Deliberately restricting output.
M-19. Provoking or Instigating a fight during working hours or on Town of Oyster Bay premises.
M-20. Engaging in sabotage of equipment.

M-21.
Insubordination.

DEPARTMENT OF PUBLIC WORKS RULES OF CONDUCT

The following rules of misconduct will be subject to immediate disciplinary hearing under Section 75 of the Civil Service Rules.

M-22.
Immoral conduct or indecency.

M-23.
All employees that are granted sick time to be charged against their absence must substantiate any reason for his absence from his home during the day authorized.

M-24.
In case of an accident involving your vehicle, call the Police Department having jurisdiction. Call office giving the location of the accident. Do not move your vehicle until so directed by proper authority, unless you are blocking traffic or creating a hazard.

M-25.
Employees shall make no statement regarding an accident to anyone except the Police. Get all the pertinent information. If the other party involved refuses to wait for the Police Department, get their license number and vehicle description, and names and addresses of witnesses, if available.

M-26.
One backup accident shall result in disciplinary proceedings against both the driver and helper of the Town vehicle.

M-27.
Three accidents, regardless of fault, within a twelve month period shall result in disciplinary action against the driver.

M-28.
Any unauthorized use off Town radio equipment shall subject violators to disciplinary proceeding.

NOTICE TO ALL SANITATION DIVISION EMPLOYEES

SUBJECT: Time off due to service as a member of a Volunteer Fire Department

June 2, 1994

Effective immediately, volunteer firemen working in the Division of Sanitary Collection will report at the Sanitation dispatcher's office within 30 minutes after completing their fire call. The chief's note, which must be provided whenever such an employee does not report to work on time due to his responding to an emergency call from the fire department, must contain the time of the start and conclusion of his service to the fire call. The note must also indicate the purpose of the call and the location.

Failure to report within the allotted time will result in a docking and an "A-no pay" attendance report.

Frank DeStefano
Deputy Commissioner
D.P.W./Sanitation

Town of Oyster Bay
Inter-Departmental Memo

August 11, 1995

To: ALL EMPLOYEES OF DEPARTMENT OF PUBLIC WORKS

From: Karl J. Leupold, P.E., COMMISSIONER OF PUBLIC WORKS

Subject: WORK RULES: UNITED STATES DEPARTMENT OF
TRANSPORTATION CONTROLLED SUBSTANCE AND
ALCOHOL TESTING

The following six (6) rules are hereby implemented effective as of August 11, 1995.

UNITED STATES DEPARTMENT OF TRANSPORTATION
CONTROLLED SUBSTANCE AND ALCOHOL TESTING

These rules apply to all Town employees who meet the definition of “driver” as contained in the Town of Oyster Bay Administrative Procedure and who appear on a list of such employees distributed and revised from time-to-time by the Department of Human Resources, except where indicated that they apply to “Any Town Employee.” These rules and penalties are separate and distinct from Federal Regulations and the Federal Omnibus Transportation Employees Testing Act of 1991 and any penalties incurred thereunder. Each violation of one of these Rules shall result in the penalty for that rule. Multiple rules and penalties may apply to an offense. Disciplinary progression under these rules shall follow within each work rule. All current rights under New York State Civil Service Law and the Town/CSEA collective bargaining agreement remain in effect. All disciplinary hearings must be scheduled within 30 days.

CS/A-1

Engaging in prohibited conduct, as defined in Federal Regulations (49CFR Sec. 382-SUBPART B-PROHIBITIONS) and/or the Town of Oyster Bay Omnibus Transportation

Employees Testing Act Policy and Administrative Procedure shall result in an immediate disciplinary proceeding. First offense: referral to Employee Assistance Program. Second offense within 5 years of disposition of first offense: immediate suspension of up to 30 working days pending a disciplinary hearing. Third offense within 5 years of disposition of second offense: suspension pending a disciplinary hearing, termination contemplated.

CS/A-2

Any action of any Town employee which clearly obstructs the testing process or which alters or which attempts to alter test result shall result in an immediate suspension of 14 days pending a disciplinary hearing. First offense: immediate suspension for up to 14 days. Second offense within 5 years of disposition of first offense: 60 day suspension pending hearing. Third offense within 5 years of disposition of second offense: suspension pending disciplinary hearing, termination contemplated.

CS/A-3

The failure of a “driver” to follow a directive to report for testing, and/or a directive to contact the Town’s Substance Abuse Professional, and/or Employee Assistance Program, and/or Medical Review Officer, and/or failure to follow completely all instructions of responsible Town or and/or failure to follow completely all instructions of the Town’s Substance Abuse Professional and/or Employee Assistance Program and/or Medical Review Officer shall be considered insubordination. First offense: immediate suspension pending disciplinary hearing, 30 days suspension contemplated. Second offense within 5 years of disposition of the first offense: immediate suspension following the “driver’s” return to the performance of DOT-defined safety sensitive functions contemplated. Third offense within 5 years of disposition of the second offense: immediate suspension pending disciplinary hearing, termination contemplated.

CS/A-4

The failure by any “driver” to accept and perform non safety sensitive functions after the “driver” has been deemed unqualified to perform any DOT-defined safety sensitive functions, if such is available and offered, shall be considered insubordination. First offense: immediate suspension pending disciplinary hearing, 30 day suspension contemplated. Second offense within 5 years of disposition of the first offense: immediate suspension pending disciplinary hearing, 60 day suspension contemplated. Third offense within 5 years of disposition of the second offense: immediate suspension pending disciplinary hearing, termination contemplated.

CS/A-5

Any “driver” who has been deemed unqualified to perform DOT-defined safety sensitive functions until the start of his/her next regularly scheduled duty period, but not less than 24 hours, shall have the option, for a first offense during the employee’s career only, of taking his/her next regularly scheduled shift off using accrued vacation, compensatory, and/or personal leave time.

CS/A-6

Failure to pass a return-to-duty test shall result in the penalties set forth in Rule CS/A-2 above.

KARL J. LEUPOLD, P.E.
Commissioner of Public Works

Cc: Division of Administration
Division of Central Vehicle Maintenance
Division of Engineering
Division of Environmental Control
Division of Highways
Division of Sanitary Collection
Town Attorney
CSEA

DEPARTMENT OF PUBLIC WORKS
SANITATION DIVISION
DRIVER TRAINING PROGRAM

The Department of Public Works, Sanitation Division, shall provide a Driver Training Program to all Sanitation Workers I.

The Sanitation Workers shall comply with the following regulations upon entering the Driver Program.

WORK RULES

1. The Sanitation worker shall be responsible for obtaining their New York State Learner's Permit prior to entering the Driver Program.
2. The Sanitation Worker with New York State Learner's Permit and Driver Training Certificate (card) shall only drive a Town owned vehicle with a certified Class B driver in the cab.
3. The Sanitation Worker shall complete a Driver Training Certificate (card, supplied by the Town of Oyster Bay. The Driver Training Certificate shall be completed on a daily basis and shall include the date and the driver's signature.
4. The Driver Training Certificate (card), along with the appropriate New York State Learner's Permit, shall be carried by the Sanitation Worker during working hours.
5. The Sanitation Worker shall provide to any Sanitation Supervisor the Driver Training Certificate (card) and New York State Learner's Permit upon request, during work hours.
6. All Sanitation Workers must have a minimum of three (30 months driver training before any arrangement for a CDL.B – driver's test can be made.
7. All Sanitation Workers who pass the New York State CDL Driver's test shall supply a copy of their license to the Sanitation Office.
8. All Sanitation Workers in the Driver Training Program who have a valid New York State CDL.B license shall be permitted to operate a Town owned vehicle within the restriction of their license.
9. All Sanitation Workers in the Driver Training Program must within sixty (60) days of their entry into the program successful complete a defensive driver course offered via the National Safety Council (so long as Town provides such course free of charge to workers).

ACCIDENTS

10. Any accident in which a participant in the Driver Training Program is found to be at fault while operating a vehicle may be suspended from the program for up to three (3) months. After the suspension he or she must be recertified by the Committee before being allowed to participate in the Driver Training Program.

IMPROPER CONDUCT

11. Any participant in the Driver Training Program who is found to be guilty of any other improper conduct while operating a Town vehicle shall have his privilege suspended for a period up to three (3) months; the amount of time to be determined by the Driver Safety Committee before being allowed the participate in the Driver Training Program. Examples of such conduct are, but not limited to, the following:
 - A. Driving on the wrong side of the street.
 - B. Speeding
 - C. Violating any traffic regulation.
 - D. Horseplay or reckless driving.
 - E. Excessive speed in parking areas.
 - F. Refusing to obey instructions given by the Sanitation Worker II in charge of the vehicle or other Supervisor.
 - G. Not having in your possession at all times your proper class license and driver training card.
 - H. Violation of any Federal or State mandated requirements i.e., presence of drugs or alcohol.

DRIVER LICENSE LOSS

12. If for any reason the Town is notified that a driver' license/permit has been suspended or revoked, that person will immediately lose all privileges in the Driver Training Program. These privileges will be suspended until such time as proof is supplied of the driver's license/permit reinstatement. After showing such proof, a person will be subject to recertification by the Committee before being allowed to participate in the Driver Training Program. Failure to notify the Sanitation Division of loss of your driver's license/permit will result in appropriate action being taken.

FORMATION OF A “DRIVER TRAINING PROGRAM COMMITTEE”

1. The Sanitation Division shall form a Driver Training Program Committee which will review both resident and internal complaint about drivers and accident reports that involve workers in the Driver Training Program.
2. Any Sanitation Worker with a CDL license in the Driver Training Program who violates the existing Department of Public Work Sanitation Worker Rules in regard to driver’s responsibility shall have his privileges reviewed by the Driver Training Program Committee.
3. The Driver Training Program Committee shall have the power to remove Driver Training Certificates (cards) and Driver privileges.
4. Such privileges shall only be restored when the Driver Training Program Committee is satisfied that the individual has been retrained sufficiently to operate Town owned vehicles in a proper manner.
5. Upon reentry into the Driver Training Program, an employee must successfully complete the entire cycle to qualify (three months in order to be qualified).
6. The Committee shall consist of three (3) management and two (2) union representatives. Quorum shall be three (3). A majority of those present at the meeting are required to act.

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*ADDENDUM

A Sanitation Worker (Helper) must comply with all Rules and Regulations and complete the following before being considered for promotion to Sanitation Worker II (Driver), for this Division.

All Sanitation Worker I's must complete a minimum three (3) years in the Driver Training Program before being promoted to a Sanitation Worker II (Driver). One of the three years must be the year immediately preceding the date the application for driver is accepted.

The Department Head will have the authority to appoint someone with less than three (3) years experience if no applicant (at the time a driver's slot is to be filled) has the required "three years" experience in the CDL Driver Training Program having (13 driver cards completed). Example: Applicant with the most time in the program and based on seniority could be selected.

Effective: June 2001