



# **PERSONNEL MANUAL OF POLICIES & BENEFITS**

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## **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Village of Rye Brook, an EQUAL OPPORTUNITY EMPLOYER, is committed to a work environment free of discrimination and harassment and reaffirms its compliance with applicable federal, state and local laws governing nondiscrimination in employment. It is the policy of the Village of Rye Brook to recruit, hire, train and promote to all job levels, the most qualified applicants without regard to race, color, religion, sex, age, national origin, veteran status or handicap. All such decisions are made by using objective standards based on the individual's qualifications as they relate to the particular job opportunity. All personnel decisions shall be administered without regard to race, color, religion, sex, national origin, age, handicap or veteran status.

In recognition of an employee's individual dignity, the Village of Rye Brook will not tolerate any violations to this policy. Employees found to be in violation of this prohibition in any manner will be disciplined and may be subject to other legal action.

All Rye Brook personnel shall fully support and aid in the implementation of the Equal Employment Opportunity (EEO) Policy and all employees are required to promote the Village's EEO Policy at every operational level.

## **RULES OF CONDUCT**

**ETHICS:** It is essential for public officers and employees to maintain a high level of ethical conduct in order to promote public confidence in municipal government. The Village of Rye Brook Board of Trustees has established a Code of Ethics, which must be followed by all Village employees. We are attaching a copy of the Code as Appendix "A" to this manual. All employees must read it and be familiar with its terms.

**CONFIDENTIALITY:** Protecting the Village's confidential information is the responsibility of every employee and we all share a common interest in making sure it is not improperly or accidentally disclosed. No present or former officer or employee of the Village may disclose confidential information that was obtained in the course of employment or use such information to further the personal or private interest of himself or herself or others.

Employees must take all reasonable precautions to prevent the unauthorized disclosure of confidential information. Confidential information may not be disclosed with or exposed to anyone who is not authorized to access such information. All inquiries by outsiders, including the press, should not be handled by any individual staff member, but should be directed to the Village Administrator. Upon termination of employment, employees may not obtain or take with them any notes, records, documents or other material concerning confidential information about the Village prepared or obtained in the course of employment.

**SEXUAL HARASSMENT POLICY:** Sexual harassment in the workplace is illegal and the Village of Rye Brook does not tolerate sexual harassment of any kind. The Village is committed to providing a work environment free from all forms of sexual harassment or intimidation. All employees are directed to read and follow the Village's Sexual Harassment Policy, which is included as Appendix "B" to this Manual.

**ANTI-HARASSMENT POLICY:** The Village has adopted an Anti-Harassment policy, prohibiting harassment based on race, religion, creed, national origin, citizenship, sex, age, disability, pregnancy, marital status, or other protected status. All employees are directed to read and follow the Village's Anti-Harassment Policy, which is included as Appendix "C" to this Manual.

**NO SMOKING POLICY:** In the interest of providing a safe and healthy environment for employees, resident and visitors, and in accordance with Article 13-E of the Public Health Law of the State of New York, smoking is prohibited in all Village facilities. Any violations of this policy should be brought to the attention of the Village Administrator. Employees found smoking within Village facilities in violation of the Village's Personnel Policies and Rules will be subject to disciplinary action.

**DRUG AND ALCOHOL POLICY:** Illegal drugs and alcohol in the workplace are a danger to us all. They impair safety and health, lower productivity and quality of work and undermine public confidence in the work we do. Accordingly, it is Village policy that no employee shall work, report to work or be present on work premises, in Village vehicles or engaged in Village activities while under the influence of alcohol or any controlled substance. In addition, the unlawful or unauthorized use, possession or distribution of controlled substances or alcohol on Village work premises, in Village vehicles, or while engaged in Village activities is strictly prohibited. Violation of this policy may result in disciplinary action, up to and including discharge, in accordance with applicable law.

**EMPLOYEE RELATIONS:** The Village's effective operation depends in large part on the consistent and orderly behavior of its employees. Each employee is required to meet the standards of performance and conduct that have been established for his or her position. When the employee does not meet these standards, the effectiveness of the entire system suffers.

The supervisory process is designed to be continuous, constructive and cooperative. Major emphasis is placed on developing the most effective methods of assisting each employee to achieve growth consistent with the expectations and needs of a professional organization. The process focuses on continuous improvement of skills, in relation to mutually accepted goals. Employees are encouraged to demonstrate initiative and teamwork and to determine personal goals which are consistent with those of the Village and which will result in job satisfaction for employees and increased productivity and efficiency for the Village.

The policy of this Village is to be fair, reasonable and honest with personnel and to respect the rights of employees. The Village Administrator will strive to achieve and maintain mutual respect and a positive working relationship with each employee.

**RULES AND DISCIPLINE:** Violations of Village policies, rules and generally recognized standards of conduct have an effect on the Village and employee performance and can result in disciplinary action. Disciplinary measures appropriate to the nature of misconduct including oral and written warnings, counseling, probation, suspension or discharge will be administered except in the case of certain violations which may be subject to immediate discharge. Where a written warning or suspension is issued, the affected employee will be asked to sign a form acknowledging receipt of disciplinary action and the signed form will be placed in the employee's file.

The Village reserves the right to take disciplinary action including but not limited to suspension without pay and dismissal. Disciplinary action, appeals from disciplinary action, and all related matters will conform to the requirements of the New York Civil Service Law (Sections 75, 76 and 77) wherever applicable.

Cause of disciplinary action and possible dismissal includes but is not limited to: unsatisfactory work due to incompetence or unfitness, conduct unbecoming to a Village employee, violation of Village policies, rules and standards of conduct, and any conduct deemed to be against the best interest of the Village.

**PUBLIC RELATIONS:** Every Village employee is involved in public relations since the Village may be judged by the manner in which contacts are made with the public. Village business should be conducted in such a manner as to leave a lasting good impression. Employees must make every effort to give each person the best possible attention and courtesy in a professional manner.

In an employee's contacts with the public, it is important to be careful in what he/she says since any impulsive statement, particularly if it happens to be inaccurate, could cause embarrassment to him/her or the Village. Inquiries by the media should not be addressed by any individual staff, but directed to the Village Administrator.

## **EMPLOYMENT PRACTICES**

**HOURS OF WORK:** The normal workweek for regular, full-time, non-management employees is thirty-five (35) hours.

**OVERTIME:** Any non-management employee who is paid on an annual basis and who is authorized or required to work more than thirty-five (35) hours in any week, may be allowed compensatory time off or, in the discretion of the department head, may receive compensation for hours worked in excess of thirty-five (35) hours, but not exceeding forty (40) hours in any week at his normal base pay. Any employee who is paid on an annual basis who is authorized or required to work more than forty (40) hours

in any week may be allowed compensatory time off in the same pay period as that in which overtime occurred, or, in the discretion of the department head, shall receive overtime compensation for hours worked in excess of forty (40) hours in any week at one and one half time his hourly rate. Overtime pay shall not be paid where compensatory time off can be granted. The amount received as overtime shall be regarded as salary or compensation for the purpose of pension or retirement contribution. Overtime payments are made in accordance with all applicable governmental laws and regulations.

**ATTENDANCE AND PUNCTUALITY:** The effectiveness of our operation is greatly dependent upon each employee meeting his or her responsibility to be at work regularly and on time. Besides the increased cost for excessive absenteeism and tardiness, an unfair burden is placed upon other members of the work team, who must adjust their work schedules to cover for those who are absent or tardy.

Excessive absence and lateness shall be grounds for disciplinary action up to and including termination, in accordance with applicable law. Employees are required to call in to their supervisors by a certain time they will be absent or late on a given day, to provide adequate notice.

**EVALUATION PROCESS:** Supervision and evaluation are aimed toward increasing the effectiveness of personnel to improve the quality of services to residents. An employee performance evaluation will be conducted at least once a year by his/her department head. All new employees shall be given an evaluation after completing six (6) months of service.

**IMMIGRATION LAWS:** The Village complies with the Immigration Reform and Control Act of 1986 by verifying that all employees are authorized to work. The Village does not discriminate against any individual based on national origin or citizenship status.

**TERMINATION OR RETIREMENT:** All employees who resign in good standing, retire, or die while still an active employee, will be compensated for unused vacation days which have already accrued in the current year or were accrued and carried over from the preceding year with a supervisor's consent, or compensatory time credited to him/her which he/she has not used. In order for an employee to carry medical benefits into termination or retirement, he/she must have completed ten years with the Village of Rye Brook. In the event of any employee's death, his/her beneficiary will be entitled to any compensation which would have been received by the employee.

Federal law requires most employer sponsored group health plans to offer employees and their families the opportunity to temporarily extend their existing health coverage ("continuation coverage") at their own cost under circumstances when coverage would otherwise end. Please refer to the statement of COBRA rights and obligations attached as Exhibit "D" to this Manual.

Any keys, Village Identification Card, and all other Village property issued to the employee must be returned upon termination.

An exit interview is required with an employee's department head and the Village Administrator.

## **HOLIDAYS, VACATION AND LEAVE**

**HOLIDAYS:** Non-union employees on an annual salary basis shall be given time off for legal holidays which are observed on a workday. The Board of Trustees shall establish the schedule of legal holidays. Currently they are as follows:

New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

**VACATION:** Regular full-time employees shall be allowed, with the approval of the department head as to scheduling, a vacation with pay for such time as provided herein. Such vacation shall be earned based upon years of service. For new employees vacation time shall be accrued at the rate of .8 days per month. All such employees with six months of completed service will be credited with one (1) week of vacation time; all such employees with one to five years of completed service shall be credited with two (2) weeks of vacation time; all such employees with six to twelve years of completed service shall be credited with three (3) weeks of vacation time; and all such employees with thirteen or more years of completed service shall be credited with four (4) weeks of vacation time.

As a general rule, vacation must be taken during the year in which it is accrued. In exceptional cases, any employee may, on the recommendation of the department head with approval of the Village Administrator, carry over his/her unused vacation time from one year to the next so that all or any part of the vacation allowed for two years may be taken during the second calendar year provided that the interests of the Village are not adversely affected thereby. In no event may vacation be carried over for more than one year. Vacation schedules and actual vacation time taken shall be reported to the Village Treasurer on a monthly basis by the department head. Unused vacation accrued in the year of termination and/or carried over pursuant to this paragraph shall be paid at termination.

An employee who has at least four (4) weeks of accumulated vacation may request up to two (2) weeks' vacation pay in lieu of taking the vacation days. Any such request must be made in writing to the Village Administrator.

**PERSONAL LEAVE:** Personal leave is leave with pay for personal reasons and is intended to be available for use for religious observance, necessary absences due to extraordinary weather conditions, attendance at conventions other than Village business,

personal or family appointments, or for other personal reasons. A maximum of five (5) personal days per year shall be permitted. Personal days shall be accumulated at the rate of 1.25 days per quarter (three months). Personal leave will not be carried over from year to year and is not to be used in conjunction with vacation time. Additionally, there shall be no payout for unused personal days. Personal leave is to be taken only with advance departmental approval so as not to interfere with the proper operation of government. Personal leave shall be reported to the Treasurer by the Department Head on a monthly basis. Employees must make their request in writing at least five days in advance. The Village retains discretion in approving the request, subject to the needs and demands of the department.

**SICK LEAVE:** An annual sick leave of fifteen (15) days will be permitted in any calendar year. Sick leave is defined as absence from employment because of illness, injury, or quarantine resulting from exposure to contagious disease. Sick leave will be allowed only for such purposes as stated above. The Administrator or Department Head may require substantiation of sick leave as may be deemed necessary, or after ten (10) days of absence in one calendar year. An employee who is out sick for more than three consecutive days is required to submit a doctor's note upon return to work. Sick days taken shall be reported to the Treasurer by the Department Head on a monthly basis. In the event an employee does not use his/her annual sick leave of fifteen (15) days, he/she will be permitted to accumulate his/her unused sick leave for the purpose of applying such days toward the retirement benefit granted in 41 (j) of the Social Security and Retirement law.

Sick leave shall be credited to all employees at a rate of 1.25 days per month of employment. As of January 1<sup>st</sup> of each year, an employee shall be credited with fifteen (15) days of sick leave. In no event shall any payment be made in lieu of accumulated sick leave.

**EXTENDED SICK LEAVE:** Extended sick leave for a long-term illness or injury shall be granted in the following manner:

1. Once all existing sick leave has been exhausted, the employee may convert any other accumulated time (e.g. unused vacation days from the current and prior year and unused personal days from the current year) to sick leave.
2. Once the time accumulation mentioned in 1 above is exhausted, the employee shall be granted an additional week at half pay for every year of service to the Village.
3. Once the above has been exhausted, other employees may donate sick leave to a co-worker on a voluntary basis.



## **FAMILY AND MEDICAL LEAVE ACT OF 1993:**

### **ELIGIBILITY**

The FLMA grants “eligible employees” up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. Employees are eligible if they have worked for at least one year and for a minimum of 1,250 hours over the previous 12 months. The Village must employ at least 50 employees within a 75-mile radius of its worksite. The 12-month period begins from the date the leave is requested and is counted backwards.

### **REASONS FOR TAKING LEAVE**

Unpaid FMLA Leave is available for any of the following reasons:

1. Birth, adoption or foster care placement of a child;
2. To care for an employee’s spouse, son or daughter, or parent, who has a serious health condition; or
3. For a serious health condition that makes the employee unable to perform his/her job

If you request leave because of a birth, adoption or foster care placement of a child, or because of your own serious health condition, any accrued paid vacation, personal days, or sick days (where applicable) will be used first as your family and medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12-week FMLA leave period.

### **ADVANCE NOTICE AND MEDICAL CERTIFICATION**

The employee may be required to provide advance leave notice and medical certification. The taking of leave may be denied if these requirements are not met.

1. The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable”.
2. The Village may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the Village’s expense) and a fitness for duty report to return to work.

## **JOB BENEFITS AND PROTECTION**

1. For the duration of FLMA leave, the Village will maintain the employee's health coverage under any "group health plan".
2. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

**BEREAVEMENT LEAVE:** Three (3) days per year relating to the death of a spouse, child, parent, grandparent, sister, brother, parent-in-law, sister-in-law, or brother-in-law.

**LEAVE FOR JURY AND COURT ATTENDANCE:** Any employee on an annual salary basis who is required to serve as a juror shall be granted a leave of absence with pay provided that any fees received by him/her as a juror shall be paid by him/her to the Village.

Employees must notify their department head immediately after they receive notice that they will be called for jury duty. The department head may direct the employee to request an adjournment of the jury duty to a time less disruptive to the Village's operations.

## **EMPLOYEE BENEFITS**

### **MEDICAL, DENTAL AND VISION BENEFITS**

The general description or summary of benefits, which follows, is not intended to create any rights to any particular benefit or level of benefit. The plan documents establishing the respective benefits and the Village's participation govern eligibility requirements.

All benefit plans and programs are subject to modification, change or termination by the Village or the insurance carriers, at any time. Such changes may include, but are not limited to, benefits, benefit levels, coverage, eligibility, vesting, participation, carrier and insurance companies, as well as the plans themselves.

**MEDICAL BENEFITS:** All employees will receive medical benefits as may be approved by the Board of Trustees. Effective February 1, 1991, all new hires shall pay ten (10) percent of the cost for individual health coverage and twenty-five (25) percent for family plan coverage for the first four (4) years of employment. After completion of four (4) full years of employment, the Village shall pay full premium costs for these employees.

**MEDICAL BENEFIT BUYOUT:** Employees may opt out of the Village's health insurance program in whole or in part for periods of a full year by completing the appropriate form furnished by the Village. In order to be eligible for this option, the

employee must certify that he or she has health insurance through a source other than the Village.

An employee opting out of the Village's program for family coverage or individual coverage will receive a cash payment in the amount of \$2,000 for family or \$900 for individual. The payment will be subject to all usual payroll deductions, and will be made in two equal installments, in June and in January (provided that the employee remains uncovered by the Village for twelve consecutive months).

Employees electing to decline coverage must do so by filing their forms no later than November 30 in any year, with the provisions of this plan taking effect on January 1. Once a waiver form has been filed with the Village, the waiver shall continue to be in effect from year to year unless the employee elects to re-enroll.

Once an employee waives coverage for a given year, he or she may not reinstate coverage for that year except for a change in family status consistent with the rules of the Village's policy and applicable law and regulations. A change in family status may include death or divorce of a spouse or termination of employment of a spouse whose employer had provided the alternate insurance. It does not include the voluntary declination of insurance offered by the spouse's employer changes in the cost of coverage offered by the alternate source, or the onset of a medical condition during the time the employee has waived coverage by the Village.

(If an employee reinstates coverage during the course of the year, the employee must repay any amount already paid in return for the waiver. If an employee who had waived coverage elects to reinstate coverage for the following year, he or she must notify the Village no later than November 30).

**DENTAL BENEFITS:** All employees shall be entitled to a dental benefit as may be approved by the Board of Trustees.

**VISION CARE:** Optometry Plan – Vision Care for Village employees shall be determined by the Board of Trustees. The current level of benefits is as follows:

<u>Optometry Vision Care</u>	<u>Allowance Per Employee Per Fiscal Year</u>
Vision and Health Eye Exam	\$ 75.00
Frames and Lenses	\$150.00

**DISABILITY:** An employee, upon filing appropriate medical evidence that the employee or the employee's spouse is medically disabled, will be permitted to use any annual sick leave for the period of the disability. In addition to the preceding leaves with pay, an employee may be granted, upon request to the Village, a leave of absence without pay for a minimum of six months, which may be extended, upon the recommendation of

the Department Head, up to a maximum of one year. An employee on unpaid medical leave is required to give advance notice of his or her plans to return to work.

**EMPLOYEE ASSISTANCE PROGRAM:** The Employee Assistance Program began in 1977 in Westchester County. The objective of the program is to provide professional assistance to employees whose behavioral/medical problems negatively affect their job performance and personal life. There is a wide range of problems, which are successfully resolved by this program including alcohol abuse, substance abuse, marital problems and others. The Employee Assistance Program offers people with problems the opportunity to actively seek help.

The Employee Assistance Program is a confidential, free service that the Village is providing employees and members of their immediate family. It is the objective of the Village to provide an opportunity for employees to enjoy happy, health and productive lives, and the Employee Assistance Program can provide that opportunity.

Employees may decide to contact the Employee Assistance Program on their own or on the recommendation of a close associate. The first step is up to the employee.

The telephone of the Employee Assistance Program is 914-285-6070.

**LIFE INSURANCE:** The Village of Rye Brook has established a Group Life Insurance Plan to provide a \$40,000 policy for every active full-time employee. The Village of Rye Brook will pay a deceased active employee's current salary due at time of death, together with the life insurance benefit to the dependent heir or heirs.

**NYS RETIREMENT SYSTEM:** Among the fringe benefits of public employment are retirement benefits. The New York State Employees' Retirement System and the New York State Policemen's and Firemen's Retirement System serve as the administrators of the pension system for virtually all public employees outside of New York City except teachers.

Membership in a Retirement System is mandatory when an employee is considered to have a permanent Civil Service Appointment. It is optional only if a provisional appointment has been made for one year.

The Retirement System membership beginning 7/1/76 (except for Police and Firemen's System) is contributory at the rate of 3% of a participant's gross pay. In addition, Social Security participation is mandatory from date of permanent Civil Service appointment.

Employees vested with five (5) years of service who joined the Retirement System before 7/1/76 are eligible for retirement benefits at age 55. Those employees who joined the Retirement System after 7/1/76 are eligible for retirement benefits at age 62 (Police and Firefighters' benefits commence after 20 years of service – No age requirement). Employees who joined the Retirement System between July 1, 1976 and August 31,

1983, may recover their 3% contribution plus accrued interest of 5% per annum, should they leave municipal service, upon application to the Retirement System.

Effective July 1, 1990, employees who joined the system on September 1, 1983, or later may recover their 3% contribution plus accrued interest of 5% per annum, should they leave municipal service, upon application to the Retirement System.

**SECTION 41 (j) NYS RETIREMENT SYSTEM:** The Village of Rye Brook has opted to participate under Section 41 (j), "Allowance for Unused Sick Leave". This Section allows an employee to accumulate up to one hundred sixty-five (165) sick days as service-credit towards retirement. This benefit applies to employees in all tiers of membership.

**DEFERRED COMPENSATION:** The Deferred Compensation Plan is being offered in response to a growing awareness among public employees of the need to accumulate assets during working years for use after retirement. It is an excellent supplement to your Social Security and Pension Benefits.

The Deferred Compensation Plan is a voluntary savings program created by Federal and State Law allowing public employees to save a portion of their gross pay before Federal, State and Local Income Taxes are deducted. The amount deferred accumulates tax-free until the funds plus earnings are distributed (generally after retirement when most people are in a lower tax bracket)

An employee can determine the amount of contribution. The employee can also select the investment options which are best suited to his/her needs. An employee can decrease his/her contribution level on a monthly basis and select the percentage of his/her contribution which is inverted in each option(s). The employee will receive a quarterly statement on the performance of his/her investment. The employee determines the age, after retirement, when he/she wants payment to begin (until 70 ½).

Please check with the Treasurer's Office as to the amount you are allowed to contribute each year.

**US SAVINGS BONDS:** We offer a biweekly payroll deduction for the purchase of US Savings Bonds. The minimum deduction for bonds is \$12.50 biweekly. The savings bonds are issued once a month, i.e. a \$12.50 biweekly deduction will buy a \$50.00 bond at the end of the month.

**PROFESSIONAL DEVELOPMENT:** Any employee who takes courses that are job-related shall be eligible for up to \$1,000.00 per fiscal year for reimbursement of tuition and books. An employee's Department Head and the Village Administrator must pre-approve the courses. Forms can be obtained in the Treasurer's Office.

If less than half of the Village employees utilize the Professional Development reimbursement, an employee who is utilizing this benefit will be entitled to receive an

additional amount, but in no even shall the total benefit exceed \$2,000.00 for the year. Reimbursement shall be given after successful completion of the course(s) taken with a grade of “B” or better.

By approval of the Village Administrator, the Village of Rye Brook will pay \$500 towards the membership fee per year for employees who join Therafit or any other approved health club. Therafit is a health, fitness and physical therapy facility located at 4 Gannett Drive, White Plains, New York. It is a Work Hardening Program. The Village will make payment on a reimbursement basis upon completion of each year of membership. An employee must attend Therafit or a health club at least three (3) times per month for a twelve consecutive month period. Payment will be made upon completion of each year. The membership fee is considered part of Professional Development.