

Town of Berne, New York

Day-to-Day Administration & Human Resources Authority Policy (18-2026)

Adopted by the Town Board of the Town of Berne on: _____

Section 1 – Purpose

This policy establishes the structure for day-to-day and human resources administration within the Town of Berne. It defines the respective authority of the Town Board, Town Supervisor, and department leadership to ensure lawful personnel management, operational efficiency, and compliance with New York State law.

Section 2 – Legal Framework

This policy is adopted pursuant to:

- New York Town Law
- New York Civil Service Law
- Public Employees' Fair Employment Act (Taylor Law)
- Albany County Civil Service Rules
- Applicable collective bargaining agreements

Nothing herein supersedes State or federal law, Civil Service rules, or collective bargaining agreements.

Section 3 – Role of the Town Board (Employer Authority)

The Town Board is the legal employer and retains exclusive authority over:

1. Establishing, abolishing, or modifying positions
2. Appointments and hiring decisions
3. Determining compensation and benefits
4. Adoption and amendment of personnel policies
5. Authorization of formal disciplinary action where required
6. Approval of collective bargaining agreements
7. Workforce restructuring and layoffs
8. Final employment determinations not governed by Civil Service or CBAs

No delegation shall be construed to transfer these powers unless expressly authorized by law and resolution.

Section 4 – Role of the Town Supervisor (Administrative Authority)

Consistent with Town Law §29 and Town Board delegation, the Town Supervisor serves as the Town’s chief administrative officer and is responsible for **day-to-day personnel and operational administration**.

4.1 Operations & Facilities

The Supervisor oversees routine operations of Town and Special Improvement District facilities, including maintenance coordination, scheduling, safety compliance, and minor repairs within budget and procurement policy. The Supervisor may direct town employees and contractors assigned to facility operations, consistent with adopted policies, collective bargaining agreements and civil service requirements.

4.2 Employee Supervision

The Supervisor may:

- Direct daily work of Town employees (except where law provides independent authority to elected officials)
- Approve routine leave
- Monitor attendance and time reporting
- Implement Town Board–adopted policies
- Assign work and provide performance feedback

4.3 Recruitment Administration

The Supervisor may:

- Identify vacancies
- Coordinate with Civil Service
- Post positions
- Screen applicants
- Conduct preliminary interviews
- Verify references
- Recommend candidates to the Town Board

4.4 Informal Discipline

The Supervisor may issue verbal counseling, written warnings, and performance improvement plans. This does not include suspensions, terminations, or formal disciplinary charges unless authorized by resolution or collective bargaining agreement.

4.5 Personnel Administration

The Supervisor may administer benefits coordination, training compliance, safety programs, and personnel record management in coordination with the Town Clerk.

Section 5 – Limitations on Supervisor Authority

The Supervisor shall not have authority to:

- Hire, appoint, promote, or terminate employees
- Set wages or benefits
- Create or abolish positions
- Enter employment agreements
- Adopt or modify personnel policy
- Execute collective bargaining agreements
- Impose formal discipline governed by Civil Service Law or CBAs

All such actions require Town Board approval or legal process.

Section 6 – Department Heads and Elected Officials

Nothing herein limits the statutory authority of elected officials or department heads. Their supervisory authority remains subject to Town Board budgetary control, Civil Service Law, CBAs, and Town-wide policies.

Section 7 – Complaints and Grievances

Employee complaints shall be handled pursuant to:

1. Collective bargaining grievance procedures
2. Civil Service disciplinary procedures
3. Town anti-harassment and workplace conduct policies

The Supervisor may conduct preliminary administrative review but shall not render final determinations where legal procedures apply.

Section 8 – Personnel Records

Personnel records shall be maintained securely and confidentially consistent with Civil Service Law, FOIL exemptions, and privacy protections.

Section 9 – Non-Delegation of Employer Status

Nothing in this policy designates the Town Supervisor as Human Resources Director or transfers employer status from the Town Board. Authority delegated is administrative only.

Section 10 – Incorporation of Administrative Delegation

The Town Board's resolution delegating **day-to-day administrative and personnel oversight authority** to the Town Supervisor is incorporated into this policy by reference and shall govern operational implementation.

Section 11 – Amendments

This policy may be amended by Town Board resolution.

Appendix A

Town of Berne – Governance & Administrative Authority Structure

| Function | Town Board | Supervisor | Dept. Heads |
|---------------------|------------|----------------|-------------------|
| Create Positions | ✓ | ✗ | ✗ |
| Hire/Appointment | ✓ | ✗ (recommends) | ✗ |
| Set Pay | ✓ | ✗ | ✗ |
| Daily Supervision | ✗ | ✓ | ✓ (dept-specific) |
| Post Vacancies | By policy | ✓ | Assist |
| Interviews | May | ✓ | May assist |
| Formal Discipline | ✓ / CBA | ✗ | ✗ |
| Informal Counseling | ✗ | ✓ | May report |
| Personnel Policy | ✓ | Implements | Follows |
| Labor Contracts | ✓ | May assist | ✗ |