

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 05-2022**

**BE IT RESOLVED**, that the Board of Trustees will hold its regular Public Meetings on the third Monday of each month at 7:00 p.m. (except if such date is a recognized legal holiday, then the Board will reschedule the date, to be posted on the Village website). Workshop sessions will be scheduled when necessary on the first Monday of each month at the Village Hall, 494 Willis Avenue, Williston Park, NY

**BE IT FURTHER RESOLVED**, that the Annual Organizational meeting of the Board of Trustees be held on Monday, April 3, 2023 at 7:00 p.m.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 06-2022**

**RESOLUTION AUTHORIZING THE MAYOR AND THE BOARD OF TRUSTEES AND OTHER DESIGNATED OFFICIALS TO ATTEND MEETINGS AT VILLAGE EXPENSE DURING THE VILLAGE BUDGET YEAR.**

**BE IT RESOLVED**, that the Mayor and the Board of Trustees and other designated Village Officials be and they hereby are authorized to attend the meetings of the New York Conference of Mayors and Municipal Officials, the Nassau County Village Officials Association and such other official Village functions at which the Board of Trustees deem it in the best interest of the Village and the residents of the Village to have representatives of the Village Board participate.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and the Board of Trustees and other designated Village Officials are hereby authorized to expend all sums of money necessary to attend such meetings and said moneys shall be reimbursed by the Village upon presentation of verified claim.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Mayor and the Board of Trustees and other designated Village Officials be hereby reimbursed at the rate of 58.5 cents per mile for mileage incurred in connection with attendance of such meetings - said monies shall be reimbursed by the Village upon the submission of a verified claim.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 07-2022**

**BE IT RESOLVED**, that pursuant to **Section 21-2100 (1)** of the Village Law of New York State, **THE WILLISTON TIMES**, a newspaper of general circulation within the Village of Williston Park, with its office at 22 Planting Field Road, Roslyn Heights, NY 11577, is hereby designated as the official Village newspapers and all official Village matters shall be published in said newspaper.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 08-2022**

**BE IT RESOLVED**, that all checks drawn against the various accounts of the Village of Williston Park shall be signed by the Mayor and the Village Clerk-Treasurer or Deputy Mayor, or Deputy Treasurer of the Village.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

## **INCORPORATION VILLAGE OF WILLISTON PARK**

### **RESOLUTION NO. 9-2022**

**WHEREAS**, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a **procurement policy** for all goods and services which are not required by law to be publicly bid, and

**WHEREAS**, comments have been solicited from all officers in the Village of Williston Park involved in the procurement process, now, therefore,

**BE IT RESOLVED**, that the Village of Williston Park does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

### **PROCUREMENT POLICY FOR THE VILLAGE OF WILLISTON PARK**

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain municipal hospital purchases, goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual marking the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicting the source which makes the item of service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased

at the lowest price and that favoritism will be avoided, except in the following circumstances; purchase contracts over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; purchases under State contracts pursuant to Section 103 (3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy:

3. The following method will be used when required by this policy in order to achieve the highest savings:

<b>Estimated Amount of Purchase Contract</b>	<b>Method</b>
\$500 – \$4,999	2 verbal quotations
\$5,000 - \$19,999	3 written fax/quotations or written requests for proposals

<b>Estimate Amount of Public Works Contract</b>	<b>Method</b>
\$500 - \$2,999	2 verbal quotations
\$3,000 - \$9,999	2 written/fax quotations
\$10,000 - \$34,999	3 written fax/quotations or written requests for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required for each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b (2) (f), the procurement policy may contain circumstances when or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Village of Williston Park to solicit quotations or document the basis for not accepting the lowest bid:

- a) Professional service or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Village of Williston Park Board of Trustees shall take into consideration the following guidelines:

- (a) whether the services are subject to State licensing or testing requirements,
- (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (c) Whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b) Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if the time permits.
- c) Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village of Williston Park is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d) Goods and services under \$1000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such deminimis contracts would be awarded based on favoritism.

7. This policy shall go into effect April 25, 2017 and will be reviewed annually.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY



**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 10-2022**

**WHEREAS**, the Board of Trustees finds that the activities of the Williston Park senior citizens, and to continue the activities of its programs, is in the best interest of the Village of Williston Park,

**NOW, THEREFORE, be it resolved** that the Board of Trustees approves the payment of the sum of (\$1,000) to the Williston Park senior citizens.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 11-2022**

**WHEREAS**, the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges, and

**WHEREAS**, all such claims shall be presented at the next regular meeting for audit, and,

**WHEREAS**, the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees,

**NOW THEREFORE BE IT RESOLVED:**

Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees.

Section 2. That this resolution shall take effect immediately.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 12-2022**

**RESOLVED**, that pursuant to Section 6-c (or 6-g) of the General Municipal Law, as amended, this Board of Trustees does hereby establish a Capital Reserve Fund to finance the cost of reconstruction of Water Facilities.

The Village Clerk-Treasurer is hereby directed to deposit moneys of this reserve fund in a separate bank account to be known as the "Water Capital" Reserve Fund.

The Village Clerk-Treasurer is authorized to invest, from time to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law.

No expenditure shall be made from this fund, except under authorization of this board pursuant to Section 6-c (or 6-g) of the General Municipal Law, and subject to permissive referendum if required by law.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 13-2022**

**INVESTMENT POLICY**

**I. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

**II. OBJECTIVES**

The primary objectives of local government's investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

**III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the chief fiscal officer, treasurer, or other officer having custody of money who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investment, transaction dates, and other relevant information and regulate the activities of subordinate employees.

**IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Williston Park to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probably income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**V. DIVERSIFICATION**

It is the policy of the Village of Williston Park to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

**VI. INTERNAL CONTROLS**

The chief fiscal officer, treasurer, or other officer having custody of money is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investment are safeguarded against loss from unauthorized use or disposition,

that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

#### VIII. DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of monies:

Depository Name

Flushing Commercial Bank  
TD Bank

#### VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law §10, all deposits of the Village of Williston Park, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Williston Park or its custodial bank.

The custodial agreement shall provide that securities held by the by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be co-mingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

## **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, §11, the Village of Williston Park authorizes the chief fiscal officer, treasurer, or other officer having custody of money to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- ◇ Special time deposit accounts;
- ◇ Certificate of deposit;
- ◇ Obligations of the United States of America;
- ◇ Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- ◇ Obligations of the State of New York;
- ◇ Obligations issued pursuant to LFL §24.00 of 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Williston Park;
- ◇ Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes government such entities or whose specific enabling legislation authorizes such investments;
- ◇ Certificates of Participation (COPS) issued pursuant to GML, §109-b,
- ◇ Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML, §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Village of Williston Park within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Williston Park within two years of the date of purchase.

## **XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Village of Williston Park shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of Williston Park. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The chief fiscal officer, treasurer, or other officers having custody of money is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

## **XIII. PURCHASE OF INVESTMENT**

The chief fiscal officer, treasurer, or other officer having custody of money is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.

2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all of the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and by the governing board.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board.

All purchased obligations unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Williston Park by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 14-2022**

**BE IT RESOLVED**, the following regulations shall apply to the use of all vehicles owned and/or operated by the Incorporated Village of Williston Park except for vehicles operated by employees who are on twenty-four (24) hour emergency call:

- a. No Village vehicle shall be used either within or outside of the limits of the Village unless the same is being used on Village business.
- b. No vehicle shall carry a passenger other than on Village business.
- c. Authorized employees shall be authorized to use Village vehicles for the purposes of going to and from work from their primary residence.
- d. Under no circumstances shall any vehicle be used for personal business.
- e. No vehicle shall be used for transportation to and from training schools or conferences, conventions or parades unless prior written permission is obtained from the Board of Trustees.
- f. It shall be the employee's responsibility to report any incidents of malfunction or damage to his/her supervisor immediately, who, shall in turn, notify the Village Clerk. In situations where a supervisor's vehicle is at issue, such supervisor shall report directly to the Village Clerk.
- g. Any misuse or abuse of vehicles or violations of these rules shall subject the employee using the vehicle to disciplinary action. Employees shall be responsible for adhering to vehicle maintenance schedules.
- h. Employees who utilize Village vehicles must provide the Village Clerk with a copy of their driver's license annually (June 1 of every year).
- i. In the event that a ticket for a driving offense or an accident occurs while utilizing a village vehicle, the employee shall notify the Village Clerk within 24 hours of such occurrence and fully cooperate with any investigation into the same.
- j. Violations of any of these procedures may result in the suspension or revocation of driving privileges of Village vehicles or termination of employment after a hearing before the Village Board with opportunity to be heard by the employee. (Pursuant to Civil Service Law)



- k. The IRS regulations provide that employees who use government-owned vehicles must report the benefit of such use in their income. Presently, the policy of the Village prohibits the personal use of such vehicles except for commuting purposes. The IRS requires that the Village include in the income of employees who use Village-owned vehicles the fair market value of commutation to and from the office. In accordance with these IRS regulations, the Village will value commutation at 58.5 cents a mile.

**Incorporated Village of Williston Park**  
**Fire Department Standard Operating**  
**Procedures for the Chief's Vehicles**  
**And Auxiliary Police Vehicles.**

1. During non-emergency driving of fire department vehicles all applicable NYS Vehicle and Traffic laws shall be observed and followed.
2. No commercial use of vehicles shall be permitted.
3. The Village Board shall be notified prior to travel outside of Nassau County.
4. While operating a fire department vehicle, it shall be understood that as representative of this organization you and your passengers shall conduct themselves in an appropriate manner at all times.
5. No smoking in vehicles.
6. No cell phone use while driving, unless using a hands-free device.
7. MILEAGE LIMITED to 12,000 miles per year with a Monthly odometer reading sent to Village Clerk with vouchers.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY



# IRS issues standard mileage rates for 2022

IR-2021-251, December 17, 2021

WASHINGTON — The Internal Revenue Service today issued the 2022 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on January 1, 2022, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 58.5 cents per mile driven for business use, up 2.5 cents from the rate for 2021,
- 18 cents per mile driven for medical, or moving purposes for qualified active-duty members of the Armed Forces, up 2 cents from the rate for 2021 and
- 14 cents per mile driven in service of charitable organizations; the rate is set by statute and remains unchanged from 2021.

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

It is important to note that under the Tax Cuts and Jobs Act, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, unless they are members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details see [Moving Expenses for Members of the Armed Forces](#).

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Taxpayers can use the standard mileage rate but must opt to use it in the first year the car is available for business use. Then, in later years, they can choose either the standard mileage rate or actual expenses. Leased vehicles must use the standard mileage rate method for the entire lease period (including renewals) if the standard mileage rate is chosen.

Notice 22-03 [PDF](#), contains the optional 2022 standard mileage rates, as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2022 for which employers may use the fleet-average valuation rule in or the vehicle cents-per-mile valuation rule.

## **INCORPORATED VILLAGE OF WILLISTON PARK**

### **RESOLUTION NO. 15-2022**

**BE IT RESOLVED**, this policy sets forth the rules governing the use of personal cell phones at work, the personal use of cell phones and the safe use of cell phones by employees driving.

#### **PROCEDURES:**

##### **I Personal Cellular Phones**

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Village phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity, diminish service to the public, and be distracting to others. Employees should restrict their personal calls during work time and only use their personal cell phones during scheduled breaks or scheduled lunch periods in non-working areas. Employees are therefore asked to make any other personal call on non-work time where possible and to ensure that friends and family members are aware of the Village's policy. Flexibility will be provided in circumstances demanding immediate attention. The Village will not be liable for the loss of or damage to personal cellular phones brought into the workplace.

##### **II Personal Use of Village-Provided Cellular Phones**

Where job or business needs demand immediate access to an employee, the Village may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Employees in possession of Village equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Any employee unable to present phone in good working condition within the time period requested may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

##### **III Safety Issues for Cellular Phone Use**

Employees whose job responsibilities include regular or occasional driving and who are issued cell phones for business use are expected to refrain from using their phones while driving. Safety must be the first priority. Regardless of the circumstances, including slow or stopped traffic, employees must pull off to the side of the road and safely stop the vehicle before

placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are required by law to use hands-free devices and to keep the call short.

Under no circumstance are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. All cell phone use must be in compliance with NYS VTL.

### **Safety Summary Guidelines:**

- Must use a hands-free set when an unavoidable call is taken while driving.
- Cell phones should be placed where they are easy to see and reach.
- Do not use cell phones in heavy traffic; allow voice mail to answer.
- Do not use cell phones in jurisdictions which ban cell phone use while driving.
- Keep conversations brief; avoid unnecessary calls.
- Pull off the road into a safe area for parking when taking notes, looking up information or during an intense conversation.
- Special care should be taken in inclement weather or when the employee is driving in an unfamiliar area.
- Texting while operating a Village Vehicle is prohibited.
- Use of cell phones on rear of garbage truck is strictly prohibited.

### **IV Special Responsibilities for Managerial Staff**

As with any policy, management staff is expected to serve as role models for proper compliance with provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

Managers should monitor employees with village issued phones to make sure the presence of cell phones in the work place provides optimum benefits in managing expenses for long distance telephone usage. Managers should be knowledgeable about the company's cell plan/package in order to leverage the best use. As an example, if there is a choice or an opportunity for savings, a land-base phone should be used for a local call instead of a cell phone. Managers should also address proper cell-phone etiquette with their employees. Managers should immediately implement pre-approved disciplinary measures for employees who violate safety procedures in the operation of cellular phones. Safety must always be the first priority.

Disciplinary measures are as follows:

- 1<sup>st</sup> Offense: Verbal Warning
- 2<sup>nd</sup> Offense: Written Warning

Additional violations will result in disciplinary action that may lead to suspension or termination pursuant to Civil Service Laws.

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 16-2022**

**BE IT RESOLVED**, the attached Code of Ethics

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

Village of Williston Park, NY  
Friday, March 4, 2022

## Chapter 21. Ethics, Code of

[HISTORY: Adopted by the Board of Trustees of the Village of Williston Park 9-22-1975 by L.L. No. 2-1975 as Ch. 4 of the 1975 Code. Amendments noted where applicable.]

### § 21-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Incorporated Village of Williston Park recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct to serve as a guide for official conduct of the officers and employees of the village. The rules of ethical conduct of this chapter as adopted shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### § 21-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **INTEREST**

A pecuniary or material benefit accruing either directly or indirectly to an officer or employee, unless the context otherwise requires.

#### **OFFICER or EMPLOYEE**

An officer or employee of the village, whether paid or unpaid, including members of any board, commission or other agency thereof.

#### **VILLAGE**

The Incorporated Village of Williston Park, Nassau County, New York.

### § 21-3. Standards of conduct.

Every officer or employee of the village shall be subject to and abide by the following standards of conduct:

- A. Gifts. The officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee or could reasonably be expected to influence the officer or employee in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

[Amended 7-19-1999 by L.L. 1-1999]

- B. Confidential information. The officer or employee shall not disclose confidential information acquired by the officer or employee in the course of his or her official duties or use such information to further his or her personal interest.
- C. Representation. The officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the village.
- D. Disclosure.
- (1) To the extent that he or she knows thereof, any officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees, Planning Board or Board of Appeals on any matter before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter.
  - (2) The officer or employee shall disclose to the Board of Trustees, in writing, all real property owned by him or her situated within the village or within 500 feet of the boundaries thereof and any direct or indirect investment in any financial, business, commercial or other private transaction which creates or may create a conflict with his or her official duties. In the event that such a conflict shall occur or appear which was not previously anticipated or reported, the officer or employee shall forthwith report such conflict or potential conflict. The Village Clerk shall provide to each officer and employee at the beginning of each official year a form for purposes of disclosing the information required by this subsection.
- E. Private employment.  
[Amended 5-21-2007 by L.L. No. 5-2007; 5-21-2007 by L.L. No. 12-2007]
- (1) The officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.<sup>[1]</sup>
- [1] *Editor's Note: Former Subsection E(2), regarding private employment of officers or employees holding department head or assistant department head status, was repealed 12-6-2010 by L.L. No. 4-2010.*
- F. Future employment. The officer or employee shall not, after the termination of service or employment with the village, appear before any board of the village in relation to any case, matter, proceeding or application in which the officer or employee personally participated during the period of his or her service or employment or which was under his or her active consideration.

## § 21-4. Claims against village.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer or employee of the village of any claim, account, demand or suit against the village on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

## § 21-5. Board of Ethics.

There is hereby established a Board of Ethics consisting of three members who shall be appointed by the Board of Trustees and who shall serve without compensation and at the pleasure of the Board of Trustees. A majority of such members shall be persons other than officers or employees of the village, but the Board shall include at least one member who is an elected or appointed officer of the village. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the village with respect to Article 18 of the General Municipal Law and to this Code of Ethics, under such rules and regulations as the Board of Ethics may prescribe. In addition, the Board may make recommendations with respect to



the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Board of Trustees.

## § 21-6. Distribution.

[Amended 7-19-1999 by L.L. 1-1999]

The Mayor of the village shall cause a copy of this Code of Ethics to be distributed to every officer or employee within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy thereof before entering upon the duties of his or her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

## § 21-7. Penalties for offenses.

[Amended 7-19-1999 by L.L. 1-1999]

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Code of Ethics may be fined as provided in Chapter 1, § 1-18 of this Code, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 17-2022**

**BE IT RESOLVED**, the attached Workplace Violence Policy and Procedures

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

**VILLAGE OF WILLISTON PARK  
WORKPLACE VIOLENCE  
POLICY & PROCEDURES**

2012

The Village of Williston Park has a long-standing commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All employees of the Village of Williston Park are expected to maintain a working environment free from violence, threats of harassment, violence, intimidation or coercion. While these behaviors are not prevalent at the Village, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence in our Village, and to help prevent workplace violence from occurring to the fullest extent possible and set forth procedures to be followed when such violence has occurred.

## **Policy**

The Village of Williston Park prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Village property and are subject to disciplinary and/or personnel action up to and including termination, consistent with Village policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of sexual harassment are covered under the Village of Williston Park Policy against Sexual Harassment.

The Village of Williston Park, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on Village property unless necessary to transact Village-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

## **Scope**

All employees, members of the public, vendors, contractors, consultants, and others who do business with the Village of Williston Park, whether at a Village facility or off-site location where Village business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Village, such as former employees, and visitors. When employees have complaints about other employees, they should contact their supervisor immediately.

## **Definitions**

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the work environment, or the Village's ability to provide services to the public.

Examples of workplace violence include, but are not limited to: Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).

Intentional physical contact for the purpose of causing harm, (such as slapping, stabbing, punching, striking, shoving, or other physical attack).

Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.

Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No one on Village Property shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to Village property without specific written authorization from the Mayor regardless of whether the individual possesses a valid permit to carry the firearm or weapon. (Excluding Peace Officer/Police Officer status.)

## **Reporting of Incidents**

### **General Reporting Responsibilities:**

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any employee of the Village of Williston Park. Workplace violence should promptly be reported to the appropriate Administrator (see below). Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is important that all employees of the Village take this responsibility seriously to effectively maintain a safe working and learning environment.

### **Imminent or Actual Violence:**

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call their supervisor immediately, or call 911.

### **Acts of Violence Not Involving Weapons or Injuries to Persons:**

Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective law enforcement agency. The law enforcement agency will work with the Village on an appropriate response.

### **Commission of a Crime:**

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

**False Reports:**

Employees of the Village of Williston Park who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

**Incident Reports:**

The Village of Williston Park will report incidents of workplace violence consistent with the Village's Policies for Incident Reporting.

## **Responsibilities**

### **Mayor**

The Mayor shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all Village employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administrators, and supervisors are aware of their responsibilities under this policy through internal communications and training.

### **Safety Coordinator**

The Safety Coordinator is responsible for responding to, intervening, and documenting all incidents of violence in the workplace. The Safety Coordinator will maintain an internal tracking system of all threats and incidents of violence.

The Safety Coordinator is responsible for assisting the Law Enforcement Agency and supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the Law Enforcement Agency of workplace violence incidents reported to that office; and consulting with, as necessary, counseling services to secure professional intervention.

The Safety Coordinator is responsible for providing new employees with a copy of the Workplace Violence Policy and Procedures and insuring that employees receive appropriate training. The Safety Coordinator will also be responsible for annually disseminating this policy to all employees.

### **Supervisor/Department Head**

Each, Department Head or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report to the Safety Coordinator any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Safety Coordinator and immediate supervisor, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.



Supervisors are required to contact the Law Enforcement Agency immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

## **Employees**

Employees must report workplace violence, as defined above, to their supervisor. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the attention of the immediate Supervisor.

Employees who have obtained Orders of Protection are expected to notify their supervisors and the Safety Coordinator/ Law Enforcement Agency of any orders that list Village locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor, or the Safety Coordinator/ Law Enforcement Agency. Confidentiality will be maintained to the extent possible.

Upon hiring, and annually thereafter, employees will receive copies of this policy. Additionally, the policy will be posted in the Village Hall and be placed on the Village's website, as appropriate.

## **Education**

Supervisors are responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. Additionally, annual training will be provided.

## **Confidentiality**

The Village of Williston Park shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Village of Williston Park will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of employees of the Village would be served by such action.

## **Retaliation**

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 18-2022**

**BE IT RESOLVED**, the attached Policy on Sexual and Other Harassment

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

## Sexual Harassment Prevention Policy

### Introduction:

The Village of Williston Park ("Village") is committed to maintaining a work environment free from sexual harassment, which is one form of employment discrimination. This Policy is one component of the Village's commitment to a discrimination-free work environment.

### Policy:

1. This Policy applies to all employees, elected and/or appointed officials, and applicants for employment. It also applies to individuals who are not employees of the Village but are employees of contractors, subcontractors, vendors, consultants, volunteers and other persons who provide services in the Village's workplace, such as interns and temporary employees.
2. Sexual harassment is not tolerated by the Village and is prohibited by this Policy. This Policy prohibits not only behavior that constitutes unlawful sexual harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise inappropriate. Employees and other individuals covered under this Policy will be subject to disciplinary or other corrective action for any violations of this Policy. Where applicable, such discipline shall be in accordance with any statutory rights and/or collective bargaining agreement protections to which the individual may be entitled.
3. No person covered by this Policy shall be subject to adverse employment action because he/she makes a good faith report of an incident of sexual harassment, or provides information, or otherwise assists in any investigation of a sexual harassment complaint. Any person covered by this Policy, who retaliates against anyone who makes a good-faith report of sexual harassment or is otherwise involved in a sexual harassment investigation, is in violation of this Policy and subject to remedial or disciplinary action.
4. The Village will conduct a prompt, thorough, impartial, and appropriate investigation, consistent with this Policy, in response to any complaint about sexual harassment. The Village may also investigate other circumstances of inappropriate conduct occurring in its workplace or affecting the terms and conditions of employment for its employees or other individuals covered by this Policy. The Village will take appropriate corrective action whenever sexual harassment or other inappropriate conduct is found to have occurred. All employees, including but not limited to department heads and supervisors, are required to cooperate with any internal investigation of sexual harassment conducted by the Village.

## What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Sexual harassment includes unwelcome conduct which is of a sexual nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment can consist of unwelcome advances, threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual's sex, where the conduct is so severe and pervasive as to alter the terms of employment for the individual subject to the harassment. It makes no difference if the individual engaging in such conduct is "just joking" or "teasing" or "playful."

Sexual harassment can also occur when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

### Examples of sexual harassment

The following is a non-exhaustive list of some of the types of acts that may constitute sexual harassment:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body
  - Rape, sexual battery, molestation or attempts to commit these assaults
- Unwanted sexual advances or propositions
- Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience
- Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes sexual displays on computers, tablets, cell phones or any other devices in the workplace.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, an elected and/or appointed official, a coworker or anyone else in the workplace, including an independent contractor, contract worker, vendor, or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside of work, *i.e.*, not in the workplace. Calls, texts, emails, and social media usage containing inappropriate messages, language, pictures, videos or graphics may also constitute or contribute to unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or during non-work hours.

### **What is "Retaliation"?**

Retaliation includes any conduct, whether or not in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good-faith report of a suspected violation of this policy, filing a harassment complaint, participating in an investigation or proceeding of such a report or complaint, or encouraging a fellow employee to make a report. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good-faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false allegations of sexual harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Village cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other

person covered by this Policy, who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, department head or to the Village Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, department head or to the Village Clerk. If possible, the employee or witness should tell the alleged harasser that his/her actions are not welcome and must stop immediately.

If an employee makes a report to his/her supervisor or department head and believes the supervisor or department head is not taking appropriate action, the employee should report the situation to the Village Clerk. If an employee believes that his/her supervisor or department head violated this Policy, then the employee should report the matter to a higher-level department head, or to the Village Clerk.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form, but using the form is not required. Regardless of whether being made verbally or in writing, a report of sexual harassment should be as detailed as possible and include the names of the individual(s) involved, any witness(es) to the harassment, direct quotes and/or evidence (e.g., notes, e-mails, digital recordings, etc.) of the harassment. Employees who report sexual harassment on behalf of another person should state clearly that the complaint is being made on another person's behalf.

### **Supervisory Responsibilities**

Any supervisor or department head who receives a complaint or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior or otherwise learns of such conduct, **is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Village Clerk.**

In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation themselves, supervisors and department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

### **Investigation of Sexual Harassment**

All reports, complaints or other information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely and thorough manner commensurate with the nature of the complaint, and will be confidential to the extent possible.

In conducting an appropriate and impartial investigation, the Village's procedures will include these protections: The Village will provide appropriate notice of the allegations to anyone who is the subject of a harassment complaint and an opportunity to provide a response to the allegations, including an opportunity to present documents or other evidence relevant to the allegations, and shall be permitted to do so in the presence of a union representative where required by law. Complainants and witnesses will be

provided with an appropriate opportunity to present relevant information, including documents relevant to the investigation. The Village may adapt and modify the investigatory procedure, in its discretion, based on the nature of the complaint and the conduct at issue.

All employees and other individuals covered under this Policy may be required to cooperate, as needed, in an investigation of suspected sexual harassment. Employees and other individuals who participate in any investigation are protected from retaliation.

All persons involved in the reporting and investigation of harassment are obligated to keep the information pertaining to the investigation confidential to the maximum extent possible, to protect the privacy of those involved in the investigation and to allow the Village to conduct an objective and appropriate investigation.

If the Village determines that this Policy has been violated, it will take effective remedial action commensurate with the circumstances. Any employee who has been found by the Village to have harassed another employee in violation of this Policy will be subject to discipline or other corrective action, up to and including termination where appropriate. Any appropriate disciplinary action will be taken in accordance with applicable law and/or the terms of any applicable collective bargaining agreement. If it is concluded that a non-employee has subjected an employee or other person protected by this Policy to conduct in violation of this Policy, prompt and effective action will be taken to stop the harassment and deter any future harassment.

The Village will notify the individual who was subject to the reported conduct and the person who filed the complaint of the conclusion of its investigation, and will follow-up with that individual as appropriate under the circumstances. The Village will also notify the accused harasser of the conclusion of its investigation.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Village, but is also prohibited by state, federal, and, where applicable, local law. In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the governmental entities listed below.

The New York State Division of Human Rights ("DHR") enforces the N.Y.S. Human Rights Law (codified as N.Y.S. Executive Law, art. 15, § 290 *et seq.*), which prohibits sexual harassment in employment in New York State, and protects employees as well as other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law may be filed either with the DHR, subject to a one-year statute of limitations, or in New York State Supreme Court, subject to a three-year statute of limitations.

If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The DHR can be contacted by calling (888) 392-3644, or at its website: [www.dhr.ny.gov](http://www.dhr.ny.gov).



The U.S. Equal Employment Opportunity Commission ("EEOC") enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e *et. seq.*). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC investigates complaints, and may pursue a claim in federal court on behalf of the complaining party, or issue a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or at its website: [www.eeoc.gov](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual files an administrative complaint with the DHR, the DHR may also file the complaint with the EEOC to preserve the individual's right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they work or live to find out if such a law exists. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and it may be appropriate to report such conduct to the local police department.

### **Other Types of Prohibited Harassment or Discrimination**

The Village also prohibits discrimination or harassment on the basis of race, color, creed, ethnicity, disability, religion, national origin, military status, age, gender, arrest record, veteran status, sexual orientation, marital status, familial status, domestic violence victim status, criminal history, citizenship, predisposing genetic characteristics, genetic information, or any other category protected by law. For more information, please see the Village's Policy on Other Harassment.

### **Questions:**

If you have any questions about this Policy, please contact the Village Clerk.

Village of Williston Park

This form is designed to assist individuals making a report under the Village of Williston Park's Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy, or witness or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the policy of the Village of Williston Park to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to the Village Clerk. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

The Village of Williston Park prohibits retaliation against any individual who opposes a discrimination practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

**YOUR INFORMATION**

Name: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Work Address: \_\_\_\_\_  
\_\_\_\_\_  
Personal Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Email: \_\_\_\_\_  
Preferred Communication Method: \_\_\_\_\_

**SUPERVISOR'S INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Work Address: \_\_\_\_\_  
\_\_\_\_\_

**INFORMATION CONCERNING SUSPECTED HARASSMENT**

1. The name of the person(s) involved in your complaint  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Other identifying information: \_\_\_\_\_  
Relationship to you: Supervisor Subordinate Co-Worker Other: \_\_\_\_\_

2. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) harassment occurred: \_\_\_\_\_  
Is the harassment continuing?  Yes  No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint. Please use additional sheets of paper if necessary.

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5. Have you previously complained or provided information (verbal or written) about harassment at the Village of Williston Park? If yes, when and to whom did you complain or provide information?

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Upon receipt of this report, the Village or its designee will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action. For additional information, see the Sexual Harassment Prevention Policy.

*The information provided in this report is true and complete and I request that the Village of Williston Park investigate this complaint and advise me of the outcome of the investigation.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**INCORPORATED VILLAGE OF WILLISTON PARK**

**RESOLUTION NO. 19-2022**

**BE IT RESOLVED**, the attached Drug, Alcohol and Substance Abuse Policy

Motion by:

Seconded by:

Polling of the Board resulted in the following vote:

Ayes:

Nays:

Absent:

Dated: 04/04/22  
Williston Park, NY

## DRUG, ALCOHOL AND SUBSTANCE ABUSE POLICY

In that the Village of Williston Park endeavors to provide a drug and substance abuse free work place for all employees, ALL employees are required to read and abide by the Village - Drug and Substance Free Workplace Policy Statement in effect at the time of employment as well as any subsequent additions or alterations. Employees of the Highway and Sanitation Departments shall abide by the provisions on drug and substance abuse guidelines and drug and substance abuse testing as set in 49 CFR 382 and 40.

Recognizing the dangers to its employees and the public which arise as the result of unlawful drug or substance abuse, the Incorporated Village of Williston Park as required by the Drug Free Workplace Act of 1988, 44 CRF Part 17, Subpart F, does hereby establish the following policy.

### **Statement of Policy:**

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or drug by any employee of the Village of Williston Park during the performance of his or her duties is prohibited in the workplace.

### **Scope of Workplace.**

The area determined to be the workplace shall be the building known as the Village Hall; all areas and buildings of the Department of Public Works; all Village property and buildings as may be obtained at any time in the future; any street, road or other public highway within the boundaries of the Village of Williston Park; and the interior of any and all Village vehicles which are currently owned or which may be obtained in the future and which are being operated in proper course of Village related matters.

### **Violations:**

Any violation of the policy will result in the following:

- 1) Disciplinary action, including suspension of up to thirty (30) days, without pay, pending a hearing. Termination may result therein.
- 2) The Village reserves the right to conduct drug and/or alcohol tests to verify violations of this policy.
- 3) Within thirty (30) calendar days of receiving notice of any conviction for substance abuse, the Village will:

(a) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

#### ASSISTANCE:

The village recognizes its responsibilities to provide assistance to any employee who requires treatment for substance abuse.

For that reason, all employees who are enrolled in the New York State Empire Insurance Program are covered for substance abuse treatment. A description of the coverage provided has been given to each employee. Any additional information can be obtained from the office of the Village Clerk-Treasurer. Employees are advised that seeking this information will be confidential and will not be disclosed to anyone.

#### EMPLOYEE RESPONSIBILITIES:

- 1) Abide by the terms of this statement.
- 2) Notify the Village, in writing, of his or her conviction for a violation of a criminal drug or substance statute occurring in the workplace no later than five (5) calendar days after such conviction.
- 3) Failure to comply with the terms of this Statement will result in the implementation of the actions as outlined above.

All employees are to be given a copy of this statement upon its adoption. All future employees are to be given a copy of this statement immediately upon hire. All employees are required to sign a statement acknowledging receipt of this Policy and their understanding of the terms included therein. Copies of any subsequent revisions or additions to this policy will be provided to employees at the time of such revision. This Statement of Policy shall become effective fifteen (15) days after approval by the Mayor and Board of Trustees. Said Statement of Policy may be amended, from time to time, by the Mayor and Board of Trustees.

Dated: January 4, 1999