

**TOWN OF RENSSELAERVILLE**  
**POLICY ON WORKPLACE VIOLENCE**

The Town of Rensselaerville, the employer, 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 Town of Rensselaerville 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 Town of Rensselaerville, no organization is immune.

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

**POLICY**

The Town of Rensselaerville 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 the Town of Rensselaerville property and are subject to disciplinary and/or personnel action up to and including termination, consistent with the Town of Rensselaerville policies, rules, and/or referral to law enforcement authorities for criminal prosecution. (Note that complaints of sexual harassment are covered under the Town of Rensselaerville's Non-Harassment Policy.)

The Town of Rensselaerville, 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 Town of Rensselaerville property unless necessary to transact Town of Rensselaerville 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 Town of Rensselaerville, whether in a Town of Rensselaerville facility or off-site location where Town of Rensselaerville business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with Town of Rensselaerville, such as former employees, and visitors. When employees have complaints about other employees, they should contact their supervisor.

**ACTS PROHIBITED and DEFINITIONS**

The following acts, as defined below for purposes of this policy, all constitute workplace violence and are prohibited while on Town property, during hours of employment with

the Town, and while conducting business on behalf of, or to, the Town:

1. 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 Town of Rensselaerville's ability to provide services to the public. It also involves the abuse or intentional non-authorized destruction of property. Workplace violence does not include the use of reasonable force in the defense of oneself or others.
2. Disruptive behavior is any behavior intended to disturb, interfere with or prevent normal work activities (such as but not limited to yelling, using profanity, or verbally abusing others).
3. Intentional physical contact is any contact made for the purpose of causing harm (such as but not limited to slapping, stabbing, punching, striking, shoving, or other physical attack).
4. Menacing or threatening behavior is any behavior where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property (such as but not limited to 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).
5. Possessing firearms or explosive materials. Except for law enforcement officers, no one in the Rensselaerville Town Hall, Town Garage or on any property of the Town of Rensselaerville, shall have in their possession a firearm or explosive material regardless of whether the individual possesses a valid permit to carry the firearm or weapon.

## **REPORTING OF INCIDENTS**

### **General Reporting Responsibilities:**

No employee of the Town of Rensselaerville should ignore any incident of workplace violence, threat of workplace violence, or any observation of workplace violence. Workplace violence should promptly be reported to the appropriate Town of Rensselaerville official (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 Town of Rensselaerville take this responsibility seriously to effectively maintain a safe working and learning environment.

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

Any person experiencing or witnessing imminent danger of actual violence involving weapons or personal injury should first call 911 and then their workplace supervisor or the Town Supervisor.

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

Any person who is subject of a suspected violation of the policy involving violence without weapons or person injury, or is a witness to such suspected violation, should report the incident to his or her immediate supervisor, or in lieu thereof, to the Town Supervisor.

**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 Town of Rensselaerville 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 deemed appropriate by Civil Service Law.

**Incident Reports:**

The Town of Rensselaerville will report incidents of workplace violence consistent with the Town of Rensselaerville Policies for Incident Reporting.

**RESPONSIBILITIES**

**Town Supervisor:**

The Town Supervisor shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all Town of Rensselaerville employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administrators, managers, and department heads are aware of their responsibilities under this policy through internal communications and training. The Town Supervisor will immediately log all incidents or workplace violence and will notify the appropriate Department Head of the Town of Rensselaerville of an incident. The Town Supervisor will maintain an internal tracking system of all threats and incidents of violence. The Town Supervisor shall be responsible for insuring that employees and staff receive appropriate training.

**Town Attorney:**

The Town Attorney is responsible for assisting the Town Supervisor in responding to, intervening, and documenting all incidents of violence in the workplace. The Town Attorney should be knowledgeable of when law enforcement action may be appropriate. The Town Attorney will work closely with the Town Supervisor and appropriate

Department Heads when the possibility of workplace violence is heightened, as well as on the appropriate response to workplace violence incidents consistent with Town of Rensselaerville policies, rules, procedures and applicable labor agreements, including appropriate disciplinary action up to and including termination. When informed, the Town Attorney will maintain a record of any Orders of Protection for employees. The Town Attorney may authorize the provision of escort service to employees within its geographical confines, when sufficient personnel are available. Such services are to be extended at the discretion of the Town Attorney or by the Town Board.

**Department Head:**

Each, executive officer, administrator, Department Head or other person with supervisory responsibility (hereinafter "supervisor") is responsible with his/her area of jurisdiction for the implementation of this policy. Supervisors must report to the Town Supervisor and the Town Attorney regarding 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 the Town Supervisor and the Town Attorney 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 Town Supervisor/Town Attorney, 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 Town Supervisor and Town Attorney immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

**Employees and Staff:**

Employees and staff 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 Town Supervisor and the Town Attorney. If an internal investigation is warranted, the matter shall be forwarded to the Town of Rensselaerville Board of Ethics to conduct such investigation. Employees who have obtained Orders of Protection are expected to notify their supervisors, the Town Supervisor and Town Attorney of any orders that list Town of Rensselaerville 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, the Town Supervisor, or the Town Attorney. Confidentiality will be maintained to the extent possible. Upon hiring, employees will receive a copy of this policy. Additionally, the policy will be posted throughout the Town of Rensselaerville's facilities and placed on the Town of Rensselaerville's website.

**Town Clerk:**

The Office of the Town Clerk is responsible for providing new employees with a copy of the Workplace Violence Policy and Procedures.

**EDUCATION**

Supervisors are responsible for 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 Town of Rensselaerville shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town of Rensselaerville will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of the policy and that the safety and well being of employees of the Town of Rensselaerville 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, investing, 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.

**INVESTIGATIONS**

The Town of Rensselaerville Board of Ethics, is hereby, authorized to conduct any investigations into any complaint or report of incident of workplace violence. The Board of Ethics shall, as soon as is possible upon receipt of a report or complaint of workplace violence, commence such an investigation. The Board of Ethics, as it deems necessary or appropriate, may meet with the complainant, the individual who reported the incident, the alleged, witnesses, coworkers, possible other victims, and any other individual the Board finds relevant in order to conduct a thorough and complete investigation. Upon completion of the Board of Ethics' investigation, the Board of Ethics shall report its findings and recommendation as to the appropriate disciplinary action to be taken to the Town Supervisor and Town Board. Both the victim and the alleged will be informed of the investigations' findings unless such disclosure would be in conflict with law or with pending law enforcement investigations. While the investigation should be thorough and complete, it should be completed within two weeks of the matter being forwarded to the Board for investigation or as soon as is possible given all of the circumstances of the case.

If at any time, during the course of the reporting of the incident or investigation, it is apparent that a crime has been or may have been committed, the appropriate law enforcement authorities shall be immediately contacted and advised of the incident or incidents. Throughout the investigation and after the determination of penalty, if any, the complainant will be assured there will be no reprisals from any Town employee or official. A complainant's career will not be adversely affected by the outcome of the investigation.

Appeals of the Board of Ethics' findings may be made to the Town Board. Any Board Member involved in the subject matter of the complaint is excluded from the appeal decision-making process.

All interviews or meetings with individuals during the course of the investigation, shall be conducted in executive session or in a manner that preserves the confidentiality of the investigation. Any report, findings or recommendations of the Board of Ethics, Town Board, or any other Town official or employee involved in the investigation shall be kept confidential as is appropriate under the particular facts and circumstances of the case and applicable law. Details of the investigation will be released only in the event of a court or agency proceeding, or pursuant to a valid subpoena or court order.

The foregoing policy was introduced, adopted and immediately made effective by resolution of the Town Board of the Town of Rensselaerville on May 10, 2011, pursuant to motion made by Supervisor Dermody, seconded by Councilman Bolte, and passed by a vote of majority the Town Board membership as follows:

<u>Town Board Member</u>	<u>yes</u>	<u>no</u>	<u>absent/abstain</u>
Gary Chase, Councilman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
John Kudlack, Councilman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
Marie Dermody, Supervisor	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
Marion Cooke, Councilwoman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
Robert Bolte, Councilman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>

## **NON-HARASSMENT POLICY Town of Rensselaerville**

The Town of Rensselaerville is committed to a workplace free from harassment. Harassment is a violation of Title VII of the Civil Rights Act of 1964 as well as state discrimination laws. It creates uncomfortable working conditions for all employees, whether they be directly or indirectly involved. The Town of Rensselaerville will not tolerate such misconduct, and any employee or official violating this policy will be subject to appropriate disciplinary action, including discharge. Any employee or official who receives a complaint and does not act on it under the procedures of this policy will also be subject to discipline, including dismissal.

### **DEFINITIONS**

- Sexual harassment is unwelcome sexual advances, requests for sexual favors or verbal/physical contact of a sexual nature when:

1) Submission to such conduct is either implied or stated to be a term or condition of employment or a factor in the evaluation of the employee's performance, promotability or any other component of employment.

2) Such conduct interferes, either directly or indirectly, with an employee's work performance or creating a hostile, offensive or intimidating environment.

- Verbal/non-physical harassment is sexually vulgar language, remarks about an individual's physical anatomy, derogatory comments about gender, distribution of written or graphic sexual material, sexually oriented magazines/posters, display of nude pictures, or other words or depictions of a sexual nature.

- Physical harassment is touching in a sexual manner or invading personal privacy, especially the intentional touching of private body parts, or threats to take such actions.

### **PROCEDURES**

Any employee who feels harassed by a supervisor, coworker, subordinate, or other person should take the following course of action:

1) Tell the offending individual(s) to stop the harassment. State your objection to the action and the specific behavior to which you object. Have a witness present if possible. Report the incident(s) to the Town Supervisor or the Town Attorney. Also note the time and date of the discussion and write a summary of what you said and how the offender responded. If uncomfortable with a discussion with the harassing individual(s), state your objections in writing and keep a copy. In any harassment case, documentation will help support contentions of harassment. Keep a log of the specifics of the actions to which you object. Record dates, times and witnesses. Keep copies of any notes or materials.

2) An individual who does not feel comfortable confronting the offending party in person or in writing may proceed directly to this step but should still keep a log of occurrences. Report the incident to your workplace supervisor, the Town Supervisor, or the Town Attorney, whomever you feel most comfortable with reporting such incident. Employees can be assured that no one will be retaliated against for either filing a complaint or participating in an investigation of harassment.

You have a right to discuss your complaint with a Town official or supervisor with whom you feel comfortable. All complaints will be handled in a timely fashion. Your complaint and all the details of the investigation will be treated as confidential information. Only those involved in the investigation, witnesses to the harassment and the alleged harasser will be contacted. Your identity, as far as possible, will be withheld from all involved parties. The Town will attempt to do the utmost to protect the privacy of the complainant, as well as the integrity of any individual who may have been wrongfully accused of harassment.

3) An individual who receives a complaint or report of an incident of harassment shall contact the Town Supervisor and the Town Attorney. The complaint or report of an incident of harassment shall immediately be forwarded to the Town of Rensselaerville Board of Ethics, which is hereby, authorized to conduct investigations into any complaint or report of incident of harassment. The Board of Ethics shall, as soon as is possible, commence such an investigation. The Board of Ethics, as it deems necessary or appropriate, may meet with the complainant, the individual who reported the incident, the alleged, witnesses, coworkers, possible other victims, and any other individual the Board finds relevant in order to conduct a thorough and complete investigation. Upon completion of the Board of Ethics' investigation, the Board of Ethics shall report its findings and recommendation as to the appropriate disciplinary action to be taken to the Town Supervisor and Town Board. Both the victim and the alleged harasser will be informed of the Board of Ethics' findings unless such disclosure would be in conflict with law or with pending law enforcement investigations. While the investigation should be thorough and complete, it should be completed within two weeks of the matter being forwarded to the Board for investigation or as soon as is possible given all of the circumstances of the case.

4) If at any time, during the course of the reporting of the incident or investigation, it is apparent that a crime has been or may have been committed, the appropriate law enforcement authorities shall be immediately contacted and advised of the incident or incidents.

5) Throughout the investigation and after the determination of penalty, if any, the complainant will be assured there will be no reprisals from any Town employee or official. A complainant's career will not be adversely affected by the outcome of the investigation.

6) Appeals of the Board of Ethics' findings may be made to the Town Board. Any Board Member involved in the harassment is excluded from the appeal decision-making process.

7) All interviews or meetings with individuals during the course of the investigation, shall be conducted in executive session or in a manner that preserves the confidentiality of the investigation and any report, findings or recommendations of the Board of Ethics, Town Board, or any other Town official or employee involved in the investigation shall be kept confidential as is appropriate under the particular facts and circumstances of the case. Details of the investigation will be released only in the event of a court or agency proceeding, or pursuant to a valid subpoena or court order.

The foregoing policy was introduced, adopted and immediately made effective by resolution of the Town Board of the Town of Rensselaerville on May 10, 2011, pursuant to motion made by Councilwoman Cooke, seconded by Councilman Bolte, and passed by a vote of majority the Town Board membership as follows:

<u>Town Board Member</u>	<u>yes</u>	<u>no</u>	<u>absent/abstain</u>
Gary Chase, Councilman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
John Kudlack, Councilman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
Marie Dermody, Supervisor	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
Marion Cooke, Councilwoman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>
Robert Bolte, Councilman	<u>  √  </u>	<u>  —  </u>	<u>  —  </u>

Resolution of the Town Board of Town of Rensselaerville  
Workplace Violence and Harassment Policy

At a special meeting of the Town Board of the Town of Rensselaerville held on June 23, 2011, the following Resolution was presented:

WHEREAS, the Town Board of the Town of Rensselaerville has recently adopted policies on workplace conduct to guard against workplace violence and sexual harassment; and

WHEREAS, it is in the best interests of Town of Rensselaerville, its employees and officials, as well as Town residents and taxpayers that the Town maintains a safe and enjoyable workplace environment for all, and

WHEREAS, the Town Board is committed to, and will continually work towards, providing such a safe and enjoyable workplace for all of its officials and employees, and

WHEREAS, the Town Supervisor has instituted an educational training program for all town officials and employees on these important issues and although many officials and employees have voluntarily attended such training sessions, there are still many who have not;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rensselaerville hereby requires and makes mandatory for all employees, elected and appointed officials attendance at, and participation in, the sexual harassment and workplace violence educational training session that has been instituted and run by the Town Supervisor and that such attendance and participation each year will be a condition of employment and appointment, and, be it further

RESOLVED, that for Town employees who are paid on an hourly basis, the time involved in attending and participating in the aforementioned educational training sessions will be compensated at their regular hourly rate; and, be it further

RESOLVED, that the Town Supervisor is authorized to inform all employees and officials of this requirement.

Upon motion made by Supervisor Dermody, seconded by Councilman Chase, the foregoing Resolution was duly adopted by the Town Board on June 23, 2011 by vote of a majority of its members as follows:

<u>Town Board Member</u>	<u>yes</u>	<u>no</u>	<u>absent/abstain</u>
Gary Chase, Councilman	<u>X</u>	—	—
John Kudlack, Councilman	<u>X</u>	—	—
Marie Dermody, Supervisor	<u>X</u>	—	—
Marion Cooke, Councilwoman	—	<u>X</u>	—
Robert Bolte, Councilman	—	—	<u>X</u>