

**Village of Rhinebeck Board of Trustees
Special Meeting
Tuesday February 5, 2015 6:30 PM**

Present: Mayor Heath Tortarella, Deputy Mayor Howard Traudt, Trustees Scott Cruikshank, Heinz Sauer, Gary Kenton, Clerk Pat Coon, Treasurer Karen McLaughlin.

Mayor Tortarella opened the meeting at 6:45 pm with the Pledge of Allegiance.

Harassment and Discrimination Mayor Tortarella made a motion to accept the Harassment and Discrimination Policy as written.

HARASSMENT AND DISCRIMINATION POLICY

SECTION 1: PURPOSE

The Village of Rhinebeck believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, Village of Rhinebeck is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment free from harassment or discrimination in the workplace. As with discrimination based on sex and sexual harassment, it is the Village of Rhinebeck's policy to provide an employment environment free from discrimination and harassment based on race, color, creed, religion, national origin, disability, political affiliation, age, arrest record, gender identity, sexual orientation, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status.

A. Scope of Policy: This Policy applies to all Village of Rhinebeck employees and all personnel in a contractual or other business relationship with the Village of Rhinebeck including, for example, applicants, temporary or leased employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of control exercised by the Village of Rhinebeck, this Policy may be applied to the conduct of non-employees with respect to unlawful harassment and/or discrimination of Village of Rhinebeck employees in the workplace. This Policy applies with equal force on Village of Rhinebeck property as it does at Village of Rhinebeck sponsored events, programs, and activities that take place off municipal premises.

B. Policy Objectives: By adopting and publishing this Policy, it is the intent of the Village of Rhinebeck Board of Trustees to:

- (1) notify employees about the types of conduct that constitute discrimination or harassment prohibited by this Policy;
- (2) inform employees about the complaint procedures established by the Village of Rhinebeck that enable any employee who believes s/he is the victim of discrimination or harassment to submit a complaint which will be investigated by the Village of Rhinebeck;
- (3) clearly advise all supervisory staff, administrators, and employees that discriminatory treatment based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status of employees is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- (4) notify all employees that the Village of Rhinebeck has appointed a Compliance Officer who is specifically designated to receive complaints of discrimination based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status, and ensure compliance with this Policy.

NOTE: The names and office locations of each Compliance Officer designated to receive and investigate complaints are listed in Section 9 hereof.

SECTION 2: DEFINITIONS

“Prohibited Discrimination”: Prohibited discrimination of employees can take the form of any negative treatment of an employee, by either a municipal employee or official, or a third party engaged in sponsored activities which: (a) adversely impacts an employee's employment opportunities and/or employment benefits; *and* (b) is based upon the employee's race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status. Prohibited discrimination of employees can also take the form of harassment even where there is no tangible impact upon

the employee's employment opportunities and/or employment benefits. The phrase "prohibited discrimination" as used in this Policy includes all forms of "prohibited harassment" (defined below).

"Prohibited Harassment": Harassment can constitute a form of prohibited discrimination under this Policy if it is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based upon race, color, creed, religion, national origin, disability, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

"Prohibited Behavior": While it is impossible to list all of the possible forms of unlawful harassment, the following is a list of *examples* of conduct that may constitute harassment:

- Using slurs or derogatory terms based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Telling derogatory jokes or stories based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Displaying graffiti or other derogatory or insulting writings based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Making degrading comments about a person and/or his or her appearance based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Demeaning or criticizing an individual because of his or her race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Sabotaging, damaging, or interfering with an individual's work because of that individual's race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Threatening or intimidating an individual because of his or her race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status

As set forth above, this list is not intended to be all-inclusive. Furthermore, while a single incident of these types of behavior may not create a hostile working environment, if such behavior is severe, persistent or pervasive, and objectively offensive or if submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of employment benefits, such conduct constitutes prohibited discrimination and/or harassment.

SECTION 3: POLICY

As with discrimination based on sex and sexual harassment, the Village of Rhinebeck prohibits discrimination based on race, color, creed, religion, national origin, disability, age, arrest record and veteran or marital status and will not tolerate any form of unlawful discrimination or harassment. The Village of Rhinebeck will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment in the workplace. All employees, including but not limited to, Village of Rhinebeck officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited discrimination and harassment. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of sexual harassment or sex discrimination. Employees are encouraged to report violations to one of the Compliance Officers listed in Section 9 of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials and supervisors must take immediate and appropriate corrective action when instances of prohibited discrimination and/or harassment come to their attention to assure compliance with this Policy. Each employee is assured pursuant to Section 6 of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in Section 9 of this Policy.

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. Notification Procedure: Prompt reporting of complaints or concerns is required so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in Section 9 of this Policy, or another administrator.

2. Making a Complaint: If the complainant prefers, s/he may report the matter directly to her/his supervisor. If the complainant feels uncomfortable reporting the harassment to her/his supervisor, s/he should immediately report the matter to any member of the Board of Trustees. The Village of Rhinebeck will not tolerate violations of this policy and strongly encourages victims of sexual harassment to report such harassment as soon as it occurs. Complainants are expected to cooperate with the Village of Rhinebeck's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

B. Time for Reporting a Complaint

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of discrimination complaints and effective remedial action oftentimes is possible only when complaints are promptly filed. Furthermore, complaining parties should be aware that statutes of limitations may constrain the time period for instituting legal actions outside of this Policy.

C. Confidentiality and Privacy

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the Village of Rhinebeck shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, the Village of Rhinebeck may be required by law to contact and cooperate with the appropriate law enforcement authorities.

SECTION 5: INVESTIGATION

The Village of Rhinebeck will investigate all allegations of discrimination and harassment prohibited by this Policy as promptly as possible.

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Retaliation is strictly prohibited by this Policy and by law against anyone who in good faith reports a suspected violation of this Policy, who assists in making such a complaint, or who cooperates in a harassment or discrimination investigation. Retaliation means taking any adverse action in response to a complaint being made.

Complaints of retaliation should be brought directly to a Compliance Officer, or a member of the Board of Trustees. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

SECTION 7: APPEALS

Any complainant or accused party who wishes to appeal the procedures which the Village followed in investigating a written complaint filed under this Policy, may do so within ten (10) days of receipt of the appellant's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Village of Rhinebeck Board of Trustees by submission to the Village Clerk. The appellant shall be entitled to present evidence as to why the investigation procedures were flawed, improper, or otherwise not in compliance with this Policy. The Village of Rhinebeck's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Village of Rhinebeck, or its designee, shall render a decision. The Village of Rhinebeck's decision shall be final. The appellant shall be notified of the decision in writing. Nothing set forth in the Appeal Process

above shall be construed to in any way confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Village of Rhinebeck's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Village of Rhinebeck at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

SECTION 8: RECORD KEEPING

The Village of Rhinebeck shall maintain a written record of all complaints of illegal discrimination and/or harassment for a period of at least six years. The Village of Rhinebeck shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Village of Rhinebeck shall also maintain these documents for, at a minimum, six years. The Village of Rhinebeck records regarding alleged discrimination shall be maintained separate and apart from personnel records.

SECTION 9: QUESTIONS

Any questions by employees of the Village of Rhinebeck about this Policy or potential discrimination should be brought to the attention of one of the Village of Rhinebeck's Compliance Officers or the Mayor. The names, addresses, and telephone numbers of the Village of Rhinebeck's Compliance Officers are listed in Section 9 of this Policy.

SECTION 10: COMPLIANCE OFFICERS

Name Office Location

Village of Rhinebeck, 76 East Market St., Rhinebeck, NY 12572845-876-7015

Name Office Location

Village of Rhinebeck, 76 East Market St., Rhinebeck, NY 12572 845-876-7015

SECTION 11: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy shall be January 5, 2015. The Mayor shall ensure that this Policy is adequately disseminated and made available to all employees of the Village of Rhinebeck. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer; the Mayor, as well as the Village of Rhinebeck Policy Book that is available at the Village Clerk's Office. Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace all prior Village of Rhinebeck policies and regulations regarding employee discrimination and harassment, and related complaint procedures with the exception of the Village of Rhinebeck Policy Against Sex Discrimination and Sexual Harassment.

NY State Sidewalk Grant- Mayor Tortarella discussed a grant the Village has received for \$15000.00 for sidewalk restoration. Deputy Mayor Traudt will discuss areas of the Village where the sidewalks will need restoration due to Village responsibility and create a list.

Sinterklaas Grant Trustee Cruikshank will schedule a meeting with Jeanne Fleming, Mayor Tortarella and Clerk Pat Coon in regards to the NYS Parks and Recreation Grant.

Trustee Kenton discussed with the board working on an Employee Handbook. Discussion as to doing in house and having the handbook contracted out. Trustee Kenton was willing to work on and present to the Board in the next few months..

The remainder of the special meeting was a budget workshop and addressed by Treasurer Karen McLaughlin.

With no further business to be brought before the Board, Mayor Tortarella made a motion to adjourn at approximately 8:10 pm seconded by Deputy Mayor Traudt and all the board present was in favor.

Respectfully submitted,

Patricia D. Coon
Village Clerk