

RESOLUTION NO. 10, YEAR 2022

RESOLVED, that the Sea Cliff/Glen Head Herald Gazette be and the same is hereby designated as the OFFICIAL NEWSPAPER of the Village of Sea Cliff.

RESOLUTION NO. 11, YEAR 2022

RESOLVED, that the following be and the same hereby are designated as the official depositories for the deposits of Village money:

Citibank
Bank of America
First National Bank of Long Island
TD Bank N.A.
J.P. Morgan Chase & Co.

and be it further;

RESOLVED, that all deposits of the Village in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, as now or hereafter amended, and all certificates of deposit and special time deposits, shall be secured by a pledge or eligible securities with an aggregate market value equal to the aggregate amount of deposits, as provided in General Municipal Law Section 10; and be it further

RESOLVED, that, in accordance with General Municipal Law Section 11, the Village authorizes the Village Treasurer to invest moneys not required for immediate expenditures for terms that shall permit such funds to be payable to the Village within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained in the investments set forth in General Municipal Law Section 11(3); and be it further

RESOLVED, that the Board of Trustees will periodically review the procedures for purchase of investments to ensure that they are in accordance with the December 1984 publication issued by the State Controller entitled "Cash Management and Investment Procedures for use by Local Government Officials"; and be it further

RESOLVED, that said funds shall be subject to signature control by the Village Treasurer as regards to all transactions of \$5,000.00 or less and that all transactions in excess of \$5,000.00 be subject to signature control by the Village Treasurer jointly with the Village Mayor or Village Deputy Mayor, and be it further

RESOLVED, that the Village Treasurer or Village Mayor are hereby authorized to transfer funds, in any amount, between accounts, and be it further

RESOLVED, that the Village Mayor or Deputy Mayor jointly with the Village Treasurer with appropriate attestation of signatures by the Village Clerk, are hereby authorized to effect loans and other forms of borrowing from the aforesaid banks upon delivery of written obligations or evidences of indebtedness as required by law and the General Municipal Law, as amended from time to time.

RESOLUTION NO. 12, YEAR 2022

**PROCUREMENT POLICY
FOR
THE VILLAGE OF SEA CLIFF**

WHEREAS, General Municipal Law (GML) §104-b, as adopted by Chapter 413 of the Laws of 1991, 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, the Board of Trustees has examined the Village's policies and procedures for such procurement, and has determined appropriate procedures to comply with this new legislation,

NOW THEREFORE, BE IT

RESOLVED, that the VILLAGE OF SEA CLIFF 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 SEA CLIFF

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract and as otherwise provided herein. Once that determination is made, a good-faith effort will be made 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 single fiscal year. The following items are not subject to competitive bidding pursuant to GML §103: Purchase Contracts under \$20,000 and Public Works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State, County and Federal contracts and other lawfully authorized entities; contracts for personal services; 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 making the purchase or proposing that the Board of Trustees approve a 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 indicating the source which makes the item or 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, where purchases are made or services obtained in compliance with State law requirements for competitive bidding, or where State law provides that such procedures are not required, or for purchases pursuant to subdivision 6 of this policy.

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

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

<u>Estimated Amount of Public Works Contract</u>	<u>Minimum Required Method</u>
\$1,000 - \$4,999	2 verbal quotations
\$5,000 - \$9,999	2 written/fax quotations
\$10,000 - \$34,999	3 written/fax quotations or written request 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 of each action taken in connection with each procurement.

5. Documentation and an explanation are 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, or any other reason why the contract was awarded to other than the lowest responsible offeror. 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 GML §104-b(2)(f), the Village's 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 SEA CLIFF to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on the 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 Board of Trustees shall take into consideration the following guidelines:

- (1) whether the services are subject to State licensing or testing requirements;
- (2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (3) 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 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; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to GML §103(4). Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude seeking alternate proposals if time permits.

c. Purchases of surplus and second-hand goods. In this circumstance, if alternative proposals are required, the Village may be precluded from obtaining best prices in situations where such best prices may be available, including auctions and specific advertised sources. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$500 and Public Works under \$1,000. The time and documentation required to purchase goods or procure services 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 de minimis contracts would be awarded based on favoritism.

7. Notwithstanding any other provision of this policy with respect to purchase contracts (including for purchase of service work), and pursuant to the provisions of General Municipal Law §103(1), the Village of Sea Cliff may award such purchase contracts to a responsive and responsible bidder or offeror on the basis of “best value”.

And it is further

RESOLVED, that this resolution shall go into effect immediately, and will be reviewed annually by the Board of Trustees.

RESOLUTION NO. 13, YEAR 2022

SEXUAL HARASSMENT POLICY

Introduction

The Village of Sea Cliff is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Village of Sea Cliff has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village of Sea Cliff's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with Marianne Lennon, Village Clerk, or Mayor Villafane, or with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village of Sea Cliff's Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Village of Sea Cliff.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Village of Sea Cliff has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Village of Sea Cliff who retaliated against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager or Marianne Lennon, Village Clerk or Mayor Villafane. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Village of Sea Cliff to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. The Village of Sea Cliff will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Village of Sea Cliff will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to Marianne Lennon, Village Clerk or Mayor Villafane.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

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, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either 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 unreasonable interfering with an individual’s work performance or creating an intimidating, hostile or offensive 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 consist of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance. Sexual harassment also occurs 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. Any employee who feels harassed should complain so that any violation of the policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, 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, such as:
 - Requests for sexual favors accompanied by implied or over threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- 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 such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer 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 or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

What is "Retaliation"?

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity". Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The Village of Sea Cliff cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, Mayor or Village Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, Mayor or 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. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Village Clerk or Mayor.

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

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint And Investigation Of Sexual Harassment

All complaints or 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 manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, Mayor or Village Clerk will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of relevant documents;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer’s records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Village of Sea Cliff but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Village of Sea Cliff, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Village of Sea Cliff does not extend your time to file with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights. One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 or visit www.dhr.ny.gov

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U. S. C. § 200e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is

reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the 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 live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

RESOLUTION NO. 14, YEAR 2022

VILLAGE OF SEA CLIFF CHILD SEXUAL ABUSE PREVENTION POLICY

The Village is committed to providing a safe and secure environment for minors participating in Village sponsored programs and activities. The Village also remains committed to protecting volunteer and compensated workers from any false accusations by providing adequate supervision during Village sponsored activities. In furtherance of these objectives, the Village finds it appropriate and responsible to adopt a child sexual abuse prevention policy. The objectives for establishing this child sexual abuse policy include:

- 1) To establish a familiarity with the problem of child sexual abuse as a general problem in society.
- 2) To increase awareness of the symptoms and consequences of child sexual abuse.
- 3) To underscore the Village's vulnerability to child sexual abuse.
- 4) To create an understanding of liability concerns and Village's policy guidelines pertaining to screening, supervision, and reporting.
- 5) To provide instruction on worker selection and worker training in instances where workers are likely to interact with children.
- 6) To encourage worker commitment to follow the Village's policies.

PROCEDURES FOR REDUCING THE RISK OF CHILD SEXUAL ABUSE

I. Worker Selection

A. All Village workers, paid and volunteer, who, due to their position, may work with children, are required to be screened in accordance with the following procedures:

1. Primary Screening Procedures

- a. For all paid and volunteer Village workers who work with minors.
- b. The Screening Procedures include the following items:
 - i. Employment application;
 - ii. Screening form;
 - iii. Personal interview;
 - iv. Reference checks and child abuse background check; and
 - v. Criminal records check authorization form-if necessary.

B. Supervising Village Volunteers and Workers

General Rules

1. The Two Adult Rule

Two adults should be present during any activity involving children. One of the adults should be over 21 years of age.

2. The Six Month Rule

New Volunteers and Workers should be observed closely in the first 6 months and periodically thereafter.

3. Programs involving parents

Children and the children's parents or guardian will be clearly identified.

- a. A Bulletin Board at the location of such program with photographs of all parents and children who are permitted to access the location should be maintained. (Photographs should be taken twice a year).
- b. When a new family joins, pictures of the parent(s) and child/children will be taken and posted.
- c. Village workers will release the child/children only to the adult(s) in the picture unless parental or guardian permission is given in writing ahead of time.
- d. The supervisor for each department where such programs take place should make sure that each worker and volunteer has filled out a child prevention screening form. The forms should be given to the Village Clerk for filing in the Village records.

II. *Recognizing Suspicious Behavior*

Village workers and volunteers should confront any inappropriate conduct or relationships between an adult worker and a child or youth, and the situation should be confronted immediately and investigated.

Village workers and volunteers should be alert to the physical signs of abuse and molestation, as well as to behavioral and verbal signs that a victim may exhibit. Some of the more common signs are summarized below.

Physical signs may include one or more of the

following: Lacerations and bruises
Nightmares
Irritation, pain, or injury to the genital area
Difficulty with urination
Discomfort when sitting
Torn or bloody underclothing
Venereal disease

Behavioral signs may include:

Anxiety when approaching nursery area, day care, recreation center
Nervous or hostile behavior toward adults
Sexual self-consciousness
"Acting out" or sexual behavior
Withdrawal from activities and
friends

Verbal signs may include the following statements:

Don't like [a particular worker or
volunteer].
[A worker or volunteer] does things to me when we're alone.
I don't like to be alone with [a worker or
volunteer]. [A worker or volunteer] fooled around
with me.

III. *Reporting Procedures For Public Entity and Volunteer Worker*

A. *Reporting Obligations*

The Village has a legal and moral obligation to report any questionable or inappropriate behavior.

Under New York Law, with some limited exceptions, "child abuse" means a physical injury which is inflicted by other than accidental means, cruel or unjustifiable punishment, sexual abuse, unlawful corporal punishment, or neglect of child in out-of-home care. Child care custodians must report abuse to a child protective agency when they have knowledge of, or observe, a child whom they know or reasonably suspect has been the victim of child abuse.

B. *Line of Reporting*

All suspected child abuse situations should be reported to supervisors, directors, board and mayor if appropriate. They will inform appropriate child protective agency or police.

C. *Contents of Report*

The telephone report must include the name of the person making the report, the child's name, present location, nature and extent of injury to the child, and any other information that led the person making the report to suspect child abuse, or that the agency requests.

IV. *Responding to Actual Allegations of Abuse*

A. *Preparation*

1. All allegations must be taken seriously and reported to the worker's department head.
2. Situations must be handled forthrightly with due respect for people's privacy and confidentiality.
3. Immediately contact insurance carrier.
4. Full cooperation to be given to all reasonable and lawful requests from civil authorities.
5. Following verification of allegations, adequate care must be shown for the well-being of the victim(s).
6. The child victim should not be held responsible in anyway.

B. *The Response Plan*

1. Maintain Adequate Records

Adequate records of workers' application, references, and screening forms. They should be up-to-date and accessible. This will be the responsibility of the Village Clerk's office.

2. Designated Spokesperson

The Mayor will speak for the Village.

The Mayor will present a clear position statement of the Village's position which states the Village's policies and establish safeguards against sexual abuse.

C. *Guidelines For An Actual Allegation of Sexual Abuse.*

In the case of an actual allegation, the following guidelines will be used:

- 1) Document all efforts at handling the incident.

- 2) Report the incident immediately to the Village's insurance company.
- 3) Contact the proper civil authorities following the guidance of the insurance company and attorney. Do not attempt an in-depth investigation.
- 4) If circumstances warrant it, the victim's parents will be notified.
- 5) Do not confront the accused until the safety of the child or youth member is secured.
- 6) Do not prejudge the situation, take the allegations seriously and reach out to the victim and the victim's family.
- 7) Treat the accused with dignity and support. If the accused is a volunteer, that person should be relieved temporarily of his or her duties until the investigation is finished. If the person is a paid employee, arrangements should be made to either maintain or suspend his or her income until the allegations are cleared or substantiated. Village workers will have no contact with children while allegations are pending

Resolution No. 15, Year 2022

WHEREAS, the New York State Workplace Violence Prevention Act requires public sector employers to develop and implement workplace violence protection programs; and

WHEREAS, the Village Board hereby appoints Marianne Lennon as Safety Coordinator;
now

BE IT RESOLVED, that the Village Board hereby confirms the Plan, as previously adopted and as provide in the Code A144-20 through A144-34 of the Village of Sea Cliff as follows:

ARTICLE V

Workplace Violence Prevention Policy and Procedures

§A144-20. Objective

The Village of Sea Cliff, Nassau County, New York is committed to preventing workplace violence and to promoting and maintaining a safe and secure work environment for all employees. The purpose of this Policy is to address the issue of potential workplace violence in the Village, to

help prevent workplace violence from occurring to the fullest extent possible, and to set forth procedures to be followed when such violence has occurred. Given the increasing violence in society in general, the Village of Sea Cliff has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence, or actual violence, that may occur on its premises. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand the provisions of this Policy.

§A144-21. Definition.

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.

§A144-22. Scope of Policy.

- A. All full-time and part-time, active employees of the Village of Sea Cliff are covered by this Policy.
- B. All employees of the Village of Sea Cliff are expected to maintain a working environment free from violence, threats of harassment, intimidation or coercion.
- C. All members of the public, vendors, contractors, consultants, and others who do business with the Village of Sea Cliff, whether at a Village facility or at an off-site location where Village business is conducted, are covered by this Policy.
- D. This Policy also applies to other persons not affiliated with the Village, such as former employees, and visitors.

§A144-23. Zero tolerance.

The Village of Sea Cliff has a Policy of zero tolerance for violence. Employees who engage in any violence in the workplace, or threaten violence in the workplace, may be removed from Village property and are subject to disciplinary action up to and including the immediate termination of employment for cause. No talk of violence or joking about violence will be tolerated.

§A144-24. Prohibited conduct.

- A. The Village of Sea Cliff does not tolerate any type of workplace violence committed by or against employees. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Employees are prohibited from making threats or engaging in violent activities.

B. The following list of behaviors, while not inclusive, provides examples of conduct that are prohibited:

- (1) Intentional physical contact for the purpose of causing harm such as slapping, stabbing, punching, striking, shoving, pushing, or other physical attack.
- (2) Causing physical injury to another person;
- (3) Making oral or written statements specifically intended to frighten, coerce, or threaten another person where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
- (4) Menacing, threatening, or other disruptive behavior intended to disturb, interfere with or prevent normal work activities such as harassment, intimidation, yelling, using profanity, verbally abusing another person, waving arms and fists, throwing objects, pounding on a desk or door, damaging property, or stalking.
- (5) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- (6) Intentionally damaging Village property or property of another employee;
- (7) Unauthorized possession of a weapon while on Village property or while on Village business;
- (8) Committing acts motivated by, or related to, sexual harassment or domestic violence.

§A144-25. Reporting procedures.

- A. Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately.
- B. All threats of violence, or actual violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor or department head. This includes threats by employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.
- C. Employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees should not place themselves in peril. If an employee sees or hears a commotion or disturbance near his or her workstation, the employee should not try to intercede or see what is happening.

- D. It is everyone's business to prevent violence in the workplace. Employees can help by reporting what they see in the workplace that could indicate that a co-worker is in trouble. Employees are in a better position than management to know what is happening with those they work with.
- E. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. The Village will promptly and thoroughly investigate all reports of threats of violence, or actual violence, and of suspicious individuals or activities. The identity of the Village employee making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Village may suspend employees, either with or without pay, pending investigation.
- F. When employees have complaints about other employees, they should contact their supervisor immediately. The Village encourages employees to bring their disputes or differences with other employees to the attention of their supervisors before the situation escalates into potential violence. The Village is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.
- G. Employees of the Village 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.

§A144-26. Identifying possible threats.

- A. Individual situations. While the Village does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Examples of such behavior include:
 - (1) Discussing weapons or bringing them to the workplace;
 - (2) Displaying overt signs of extreme stress, resentment, hostility or anger;
 - (3) Making threatening remarks;
 - (4) Sudden or significant deterioration of performance;
 - (5) Displaying irrational or inappropriate behavior.
- B. Employees at risk.
 - (1) The Human Resource Department or Safety Coordinator will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment,

violence, or threats from a non-employee. The Village will design a plan with at-risk employees to prepare for any possible emergency situations.

- (2) The Village, 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).
- (3) Employees who have obtained Orders of Protection should notify their supervisors and the Safety Coordinator of any orders that list Village locations as protected areas.
- (4) 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. Confidentiality will be maintained to the extent possible.

§A144-27. Enforcement.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on Village premises will be reported to the proper authorities and fully prosecuted.

§A144-28. Responsibilities.

- A. 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.
- B. Safety Coordinator. The Safety Coordinator is responsible for the following actions and procedures:
 - (1) Respond to, intervene in, and document all incidents of violence in the workplace;
 - (2) Maintain an internal tracking system of all threats and incidents of violence;
 - (3) Assist the Law Enforcement Agency and supervisors in responding to workplace violence;
 - (4) Facilitate appropriate responses to reported incidents of workplace violence;

- (5) Notify the Law Enforcement Agency of workplace violence incidents reported to that office;
 - (6) Consult with, as necessary, counseling services to secure professional intervention;
 - (7) Provide new employees with a copy of the Workplace Violence Prevention Policy and Procedures;
 - (8) Insure that employees receive appropriate training;
 - (9) Disseminate this Policy annually to all employees.
- C. Supervisor/Department Head. Each Department Head or other person with supervisory responsibility, (hereinafter "supervisor") shall have the following responsibilities within his or her area of jurisdiction for the implementation of this Policy:
- (1) Report any complaint of workplace violence made to him or her and any other incidents of workplace violence of which he or she becomes aware or reasonably believes to exist to the Safety Coordinator;
 - (2) Inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved;
 - (3) After having reported such complaint or incident to the Safety Coordinator and immediate supervisor, keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings;
 - (4) Contact the Law Enforcement Agency immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

§A144-29. Training Program and notification.

- A. As part of its commitment to preventing workplace violence, the Village has established training programs for all employees. Training will be included as part of the orientation for all employees. Thereafter, employees will be scheduled for annual refresher training. This training is mandatory and attendance will be taken.
- B. Upon hiring, and annually thereafter, employees will receive copies of this Policy. Additionally, the Policy will be posted in the Village Hall and placed on the Village's website, as appropriate.

§A144-30. Employee assistance program.

- A. The Village provides an employee assistance program (EAP) for all full-time and part-time employees. This EAP offers services to these employees and their eligible dependents. While the Village receives periodic reports on the number and types of visits or calls made to the EAP, the Village does not receive information about individual contacts with the EAP.
- B. All employees are encouraged to use the EAP whenever they feel the need for guidance in coping with life's difficulties. If an employee has difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service to be used when an employee needs help.

§A144-31. Violence prevention team.

- A. The Village has created a violence prevention team to create and implement the Workplace Violence Prevention Program. The team will also handle the consequences of any incidents of violence that occur, providing assistance to employees and information to the media. The team will take the steps necessary to continue or resume business. The Village believes that a multi-disciplinary approach is best suited to handle workplace violence problems.
- B. If an employee has suggestions for ways to improve the safety and security at work, he or she should pass them along to their supervisor or leave a suggestion in any one of their mail boxes.

§A144-32. Incident management.

- A. In the event of a major workplace incident that effects, or has the potential to affect, the mental health of the Village workplace, the Village will provide initial counseling and support services to all Village employees and their immediate family members who request such counseling and support services.
- B. As the crisis passes and support systems are put into place for individuals affected by the incident, the Village will make every effort to return to normal business operations. A reasonable effort will be made to notify employees and others who need to know of the status of business operations directly whenever possible. In cases where direct contact is not possible or practical, an effort will be made to communicate through the Village Web-Site, news media and other available resources.

§A144-33. Confidentiality.

The Village of Sea Cliff shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Village 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.

§A144-34. 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.

RESOLUTION NO. 16, YEAR 2022

RESOLVED, that the Mayor has authority to call a special meeting, and that if such meeting is called, the Village Clerk shall give notice of the meeting by electronic mail to the Trustees; and be it

FURTHER RESOLVED that any meetings held by the Board of Trustees during the current health emergency may be held in a manner as determined by the Mayor, subject to compliance with then applicable laws and/or Executive Orders.

RESOLUTION NO. 17, YEAR 2022

Whereas, pursuant to Village Law §5-524 and subject to certain exceptions as authorized by that statute, the Board of Trustees is required to audit all claims against the Village prior to payment; and

Whereas, the Board of Trustees wishes to establish in documented form the policy of the Village with respect to payment of claims, now, therefore, be it

RESOLVED, that except as otherwise provided in this resolution, no claim against the Village shall be paid and no instrument of payment of a claim shall be issued by the Village unless and until the claim is (a) in writing, (b) certified or verified under oath of the claimant or the claimant's duly authorized agent, (c) itemized to the satisfaction of the Board of Trustees, (d) approved by the officer or employee whose action gave rise or origin to the claim, and (d) audited and approved by the Board of Trustees, and it is further

RESOLVED, that notwithstanding the foregoing, and pursuant to Village Law §5-524(5), the following claims may be paid without prior audit and approval by the Board of Trustees:

- (a) fixed salaries;
- (b) debt service;
- (c) amounts becoming due upon lawful contracts for periods exceeding one year;
- (d) compensation for services of employees or officers regularly engaged by the Village at agreed wages by the hour, day, week, month or year; provided, however, that with respect

to items (a) and (d) in this paragraph, no such payment shall be made unless the payroll or other claim for compensation for personal services rendered to the Village by any person other than an elective Village officer shall be certified by the Village officer or employee having direct supervision of the claimant to the effect that such services were actually performed by the person or persons mentioned therein; and it is further

RESOLVED, that notwithstanding the foregoing and pursuant to Village Law §5-524(6), the following claims may be paid in advance of audit and approval of the Board of Trustees, provided such claims are presented for audit and approval at the next regular meeting of the Board of Trustees:

- (a) public utility services;
- (b) postage;
- (c) freight and express charges;
- (d) charges for expenses incurred with the approval of the Board of Trustees where there is a discount for timely payment and audit of such claims is not feasible prior to the date for such discounted payment; and it is further

RESOLVED, that the policy established by this resolution shall be reviewed at each ensuing organizational meeting of the Board of Trustees, and shall remain in effect until amended by resolution of the Board of Trustees at any duly convened meeting of the Board of Trustees.

RESOLUTION NO. 18, YEAR 2022

RESOLVED, the Board reaffirms its Policy for Information and Technology Management in the form previously adopted.

RESOLUTION NO. 19, YEAR 2022

RESOLVED, that the Board authorizes the Village Clerk to notify the official newspaper and other local news media (or any others) of the notice of dates for the year, post such notice, and place such notice on the Village website.

RESOLUTION NO. 20, YEAR 2022

RESOLVED, that the public officer and employee insurance policy, which contains a blanket undertaking covering officers and employees of the Village and Village Court, shall remain in effect through and including the last day of the policy year – May 31, 2022, and

BE IT FURTHER RESOLVED, that the Board shall procure a similar policy containing the same protections for not less than the balance of the Village official year, and

BE IT FURTHER RESOLVED, that such blanket undertaking within such policy contains an indemnity against losses caused by such failure of the Village officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts.

RESOLUTION NO. 21, YEAR 2022

RESOLVED, that Norton Rose Fulbright, 666 Fifth Avenue, NY, NY be designated as the Village's Bond Counsel for the 2021/2022 fiscal year.

RESOLUTION NO. 22, YEAR 2022

RESOLVED, that Marianne Lennon, Village Clerk/Treasurer be appointed Alternate Contact Administrator, Judith Phelps, Deputy Treasurer, Contact Administrator and Bruce Kennedy, Village Administrator be appointed Security Administrator for the NYS Retirement Online System.

RESOLUTION NO. 23, YEAR 2022

RESOLVED, that Gary Ketcham, Public Works Supervisor be appointed Safety Coordinator, and that Thomas Santosus, Gary Ketcham, Bruce Kennedy and Shane Dommin be appointed to the Safety Committee, whose responsibilities include maintaining compliance with OSHA/PESH regulations.

RESOLUTION NO. 24, YEAR 2022

RESOLVED, that the Village Clerk and Beach Manager are hereby authorized to take such action as is necessary to make application to the County for the annual beach permit.