



# TOWN OF BERKSHIRE

18 Railroad Avenue  
Berkshire, NY 13736

Phone 607-657-8678  
Fax 607-657-8678

October 19, 2015

- Call October Regular Meeting to Order
- Pledge of Allegiance
- Approval of Minutes – September 21, 2015 Regular Meeting
  
- **Privilege of the Floor**
  
- **Reports:**
  - County Planning Board – Tim Pollard
  - Highway Dept. – Karl Spoonhower
  - Town Attorney – Nick Canizio
  - Code Enforcement – Rachel Jacobs
  - Planning Board – Ken Ceurter
  - Town Clerk Report – Connie Liddington
  - Dog Control Officer – Ronald Raab
  - Justice Court – Charlie Brundza
  - Assessor Report – Mike Maxwell
  - Supervisor Report
  
- **Old Business:**
  
- **New Business:**
  - Adopt Workplace Violence/Sexual Harassment Policy 3
  - Adopt Drug-Free and Alcohol-Free Workplace Policy 4
  - Accept Justice Court Audit Report
  - Schedule Budget Hearing 6:30 PM November 16, 2015
  
- **Board Concerns**
  
- **Approval of Warrants**
  
- **Adjournment**

Town of Berkshire  
 Regular Meeting  
 Sept. 21, 2015

The regular meeting was held on Sept. 21, 2015 at 7:00 P.M. in the Board Room. Members present were: Lillian Hoffmier, Fraser Williams, Ronald McEwen., Ronald Sharp and John Stoughton.

Supervisor McEwen led the pledge of Allegiance.

Minutes were presented and gone over, Motion to approve these was Fraser Williams, Seconded by Lillian Hoffmier, Ayes: Hoffmier, Williams, McEwen, Sharp and Stoughton, Noes: None. Carried.

Privilege of the Floor: None.

Reports:

- a. County Planning Board – absent
- b. Highway Dept.: Karl no much o report. Shirley Rd, Rejmer Rd, and Ketchumville Rd. oiled and stoned. Hauling Sand for winter.
- c. T own Atty: Spoke to Judge Trailer on the 24<sup>th</sup>. Probably not playing. Taking care of cars. Nick to start lawsuits to H Swartwood to tear down building. No one to represent them.
- d. Code Enforcement Rodney Lewis on October 16, 2015 told to clean up and HJ Osbury and G Wendell
- e. Town Clerk: repot passed
- f. Dog Control – Absent
- g. Justice Ct. \$614.00 in to Town
- h. Assessor: No repot.

Old Business:

- a. R 38 repaving north of town.

New Business:

- a. Number for budget next year.

Board Concerns: F Williams Concerning the Clerks office not to go over \$3950.00  
 Seconded by Lillian Hoffmier.

Warrants: H #114 – \$125 \$24,516.26  
 G #116 - \$123 \$5,278.27

Motion to pay made y Lillian Hoffmier Seconded by Ronald Sharp.  
 Adjournment at 8:26 PM by Lillian Hoffmier Seconded by Ronald Sharp.  
 Constance M. Liddington Town Clerk

Town of Berkshire  
**Balance Sheet**  
As of September 30, 2015

	<u>Sep 30, 15</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
A200 · Checking	2,797.43
A201 · Municipal Savings Account	258,336.43
A231 · Building Capital Reserve	2,459.92
<b>Total Checking/Savings</b>	<u>263,593.78</u>
<b>Other Current Assets</b>	
A430 · Due from other towns	626.58
<b>Total Other Current Assets</b>	<u>626.58</u>
<b>Total Current Assets</b>	<u>264,220.36</u>
<b>TOTAL ASSETS</b>	<u><u>264,220.36</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
2100 · Payroll Liabilities	
NYS Retirement	40.75
2100 · Payroll Liabilities - Other	330.58
<b>Total 2100 · Payroll Liabilities</b>	<u>371.33</u>
A602 · Stale Dated Checks	1,537.80
A690 · Holding Account	1,843.22
<b>Total Other Current Liabilities</b>	<u>3,752.35</u>
<b>Total Current Liabilities</b>	<u>3,752.35</u>
<b>Total Liabilities</b>	3,752.35
<b>Equity</b>	
A878 · Capital Reserve Building	2,459.92
A914 · Fund Balance Appropriated	36,000.00
A917 · Fund Balance Unappropriated	203,133.12
Net Income	18,874.97
<b>Total Equity</b>	<u>260,468.01</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>264,220.36</u></u>

## Town of Berkshire Profit & Loss Budget vs. Actual January through September 2015

		TOTAL				
		Sep 15	Jan - Sep 15	Budget	\$ Over Budget	% of Budget
<b>Income</b>						
<b>A980 · Revenues</b>						
A1001.1 · Real Property Taxes	0.00	83,605.00	83,605.00	0.00	100.0%	
A1090 · Interest & Penalty-Property Tax	0.00	3,822.92	3,500.00	322.92	109.23%	
A1120 · SalesTax	10,095.13	89,791.40	100,000.00	-10,208.60	89.79%	
A1170 · Franchises	0.00	0.00	5,500.00	-5,500.00	0.0%	
A1255 · Clerk Fees	-1,386.42	2,603.48	1,500.00	1,103.48	173.57%	
A1255.1 · Newsletter	0.00	960.00	1,000.00	-40.00	96.0%	
A1550 · Dog Control Fees	0.00	0.00	700.00	-700.00	0.0%	
A2401 · Interest & Earnings	4.25	41.23				
A2544 · Dog Licenses	0.00	381.50	800.00	-418.50	47.69%	
A2555 · Building Permits	0.00	1,233.68	1,500.00	-266.32	82.25%	
A2610 · Fines & Foreited Bail	839.00	4,530.36	8,000.00	-3,469.64	56.63%	
A3001 · State Revenue Sharing	0.00	0.00	11,000.00	-11,000.00	0.0%	
A3005 · Mortgage Tax	0.00	5,063.55	11,250.00	-6,186.45	45.01%	
<b>Total A980 · Revenues</b>	<b>9,551.96</b>	<b>192,033.12</b>	<b>228,355.00</b>	<b>-36,321.88</b>	<b>84.09%</b>	
<b>Total Income</b>	<b>9,551.96</b>	<b>192,033.12</b>	<b>228,355.00</b>	<b>-36,321.88</b>	<b>84.09%</b>	
<b>Expense</b>						
<b>A522 · Expenditures</b>						
A1010.1 · Legislative Board PS	1,800.00	4,500.00	7,200.00	-2,700.00	62.5%	
A1110.1 · Municipal Court PS	266.67	2,400.03	3,200.00	-799.97	75.0%	
A1110.2 · Fines - State share	614.00	3,278.00	7,000.00	-3,722.00	46.83%	
A1110.4 · Municipal Court CE	56.16	1,532.06	1,600.00	-67.94	95.75%	
A1111.1 · Secretary to Justice	0.00	0.00	700.00	-700.00	0.0%	
A1220.1 · Supervisor PS	433.33	3,899.97	5,200.00	-1,300.03	75.0%	
A1220.4 · Supervisor CS	0.00	70.00	750.00	-680.00	9.33%	
A1220.5 · Newsletter Expense	0.00	709.06	1,000.00	-290.94	70.91%	
A1221.1 · Deputy Supervisor PS	0.00	0.00	100.00	-100.00	0.0%	
A1315.1 · Bookkeeper PS	275.00	2,475.00	3,300.00	-825.00	75.0%	
A1315.4 · Bookkeeper CS	0.00	808.54	1,000.00	-191.46	80.85%	
A1355.1 · Assessors PS	341.67	3,075.03	4,100.00	-1,024.97	75.0%	
A1355.2 · Board of Review	0.00	250.00	250.00	0.00	100.0%	
A1355.4 · Assessors CE	56.16	667.98	1,000.00	-332.02	66.8%	
A1410.1 · Clerk PS	416.67	3,750.03	5,000.00	-1,249.97	75.0%	
A1410.4 · Clerk CE	0.00	46.08	2,000.00	-1,953.92	2.3%	
A1420.4 · Attorney CE	583.37	5,338.83	8,000.00	-2,661.17	66.74%	
A1620.4 · Town Offices CE	163.86	5,363.78	10,000.00	-4,636.22	53.64%	
A1680.4 · Informaton Technology CE	0.00	1,520.20	2,600.00	-1,079.80	58.47%	
A1910.4 · Unallocated Insurance CE	-194.70	20,243.54	22,900.00	-2,656.46	88.4%	
A1920.4 · Municipal Association Dues CE	0.00	599.00	600.00	-1.00	99.83%	
A1990.4 · Contingencies	0.00	0.00	4,000.00	-4,000.00	0.0%	
A3510.1 · Dog Warden PS	183.33	1,649.97	2,200.00	-550.03	75.0%	
A3510.4 · Dog Warden CE	0.00	1,160.00	1,000.00	160.00	116.0%	
A3650.4 · Demolition of Unsafe Buildings	0.00	0.00	3,000.00	-3,000.00	0.0%	

**Town of Berkshire**  
**Profit & Loss Budget vs. Actual**  
January through September 2015

	TOTAL				
	Sep 15	Jan - Sep 15	Budget	\$ Over Budget	% of Budget
A4020.1 · Registrar Vital Statistics	0.00	0.00	35.00	-35.00	0.0%
A5010.1 · Highway & Street Admin PS	4,615.62	30,770.80	40,002.00	-9,231.20	76.92%
A5010.4 · Highway & Street Admin CE	0.00	0.00	300.00	-300.00	0.0%
A5132.4 · Garage CE	319.73	3,050.98	7,000.00	-3,949.02	43.59%
A5182.4 · Street Lighting	565.07	5,807.92	7,000.00	-1,192.08	82.97%
A6989.4 · Other Economic Dev.-REAP	0.00	277.00	277.00	0.00	100.0%
A7110.4 · Parks	0.00	1,695.00	3,500.00	-1,805.00	48.43%
A7320.4 · Joint Youth Project	0.00	1,350.00	1,350.00	0.00	100.0%
A7410.4 · Library CE	0.00	8,500.00	8,500.00	0.00	100.0%
A7450.4 · Museum CE	0.00	120.00	120.00	0.00	100.0%
A7510.4 · Historian	0.00	0.00	100.00	-100.00	0.0%
A7610.4 · Northern Tioga Neighbor Network	0.00	0.00	250.00	-250.00	0.0%
A8010.1 · Code Enforcement PS	533.33	4,799.97	6,400.00	-1,600.03	75.0%
A8010.4 · Code Enforcement CE	0.00	759.17	2,000.00	-1,240.83	37.96%
A8020.4 · Planning CE	0.00	0.00	500.00	-500.00	0.0%
A8989.0 · Community Hall Renovation	0.00	1,500.00	1,500.00	0.00	100.0%
A9010.8 · State Retirement	0.00	0.00	15,404.00	-15,404.00	0.0%
A9030.8 · Social Security	448.97	4,414.23	5,300.00	-885.77	83.29%
A9040.8 · Workers Compensation	0.00	35,027.58	36,117.00	-1,089.42	96.98%
A9055.8 · Disability Insurance	0.00	181.40			
A9060.8 · Medical Insurance - Hwy Super	1,613.45	12,589.98	18,000.00	-5,410.02	69.94%
A9901.9 · Transfers to Highway Fund	0.00	0.00	13,000.00	-13,000.00	0.0%
<b>Total A522 · Expenditures</b>	<b>13,091.69</b>	<b>174,181.13</b>	<b>264,355.00</b>	<b>-90,173.87</b>	<b>65.89%</b>
<b>Total Expense</b>	<b>13,091.69</b>	<b>174,181.13</b>	<b>264,355.00</b>	<b>-90,173.87</b>	<b>65.89%</b>
<b>Net Ordinary Income</b>	<b>-3,539.73</b>	<b>17,851.99</b>	<b>-36,000.00</b>	<b>53,851.99</b>	<b>(49.59%)</b>
<b>Other Income</b>					
Fire District Rev	0.00	140,400.00	140,400.00	0.00	100.0%
<b>Total Other Income</b>	<b>0.00</b>	<b>140,400.00</b>	<b>140,400.00</b>	<b>0.00</b>	<b>100.0%</b>
<b>Other Expense</b>					
Fire District	0.00	140,400.00	140,400.00	0.00	100.0%
<b>Total Other Expense</b>	<b>0.00</b>	<b>140,400.00</b>	<b>140,400.00</b>	<b>0.00</b>	<b>100.0%</b>
<b>Net Income</b>	<b>-3,539.73</b>	<b>17,851.99</b>	<b>-36,000.00</b>	<b>53,851.99</b>	<b>(49.59%)</b>

Town of Berkshire - Highway Fund  
**Balance Sheet**  
As of September 30, 2015

	<u>Sep 30, 15</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
DA200 · Checking	6,452.12
DA201 · Municipal Savings Account	162,710.43
DA231 · Hwy Capital Reserve fund	106,932.00
DA231.1 · Sidewalk Reserve	14,000.00
<b>Total Checking/Savings</b>	<u>290,094.55</u>
<b>Total Current Assets</b>	<u>290,094.55</u>
<b>TOTAL ASSETS</b>	<u><u>290,094.55</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
2100 · Payroll Liabilities	-253.54
DA602 · Stale Dated Checks	969.80
<b>Total Other Current Liabilities</b>	<u>716.26</u>
<b>Total Current Liabilities</b>	<u>716.26</u>
<b>Total Liabilities</b>	716.26
<b>Equity</b>	
DA878 · Capital Reserve-Hwy Equip	106,932.00
DA878.1 · Capital Reserve-Sidewalks	14,000.00
DA914 · Fund Balance Appropriated	63,000.00
DA917 · Fund Balance Unappropriated	83,469.96
Net Income	21,976.33
<b>Total Equity</b>	<u>289,378.29</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>290,094.55</u></u>

## Town of Berkshire - Highway Fund Profit & Loss Budget vs. Actual January through September 2015

	TOTAL				
	Sep 15	Jan - Sep 15	Budget	\$ Over Budget	% of Budget
<b>Income</b>					
<b>DA980 · Revenues</b>					
DA1001 · Real Property Taxes	0.00	338,100.00	338,100.00	0.00	100.0%
DA1120 · Non Property Taxes (Sales)	0.00	0.00	30,000.00	-30,000.00	0.0%
DA2401 · Income and Earnings	4.82	55.94			
DA2665 · Sale of Equipment	5,000.00	5,000.00			
DA3501 · CHIPS	0.00	12,177.45	94,000.00	-81,822.55	12.96%
DA3960 · NYS Disaster Assistance	0.00	9,059.40			
DA4960 · FEMA	0.00	27,178.22			
DA5031 · Interfund Transfer from General	0.00	0.00	13,000.00	-13,000.00	0.0%
<b>Total DA980 · Revenues</b>	<b>5,004.82</b>	<b>391,571.01</b>	<b>475,100.00</b>	<b>-83,528.99</b>	<b>82.42%</b>
<b>Total Income</b>	<b>5,004.82</b>	<b>391,571.01</b>	<b>475,100.00</b>	<b>-83,528.99</b>	<b>82.42%</b>
<b>Expense</b>					
<b>DA522 · Expenditures</b>					
DA51101 · General Repairs - PR	14,928.00	57,376.00	86,024.00	-28,648.00	66.7%
DA51104 · General Repairs - CE	4,833.08	122,439.56	79,000.00	43,439.56	154.99%
DA51122 · Capital Outlay CHIPS	8,490.61	8,490.61	94,000.00	-85,509.39	9.03%
DA51204 · Bridge CE	0.00	0.00	3,000.00	-3,000.00	0.0%
DA51302 · Mach-Equipment	0.00	32,266.00			
DA51304 · Machinery CE	4,392.16	49,817.40	45,000.00	4,817.40	110.71%
DA51421 · Snow Removal PR	1,344.00	35,744.95	64,700.00	-28,955.05	55.25%
DA51424 · Snow Removal CE	0.00	24,673.91	50,000.00	-25,326.09	49.35%
DA89894 · Community Cleanup	322.46	2,618.82	3,000.00	-381.18	87.29%
DA90108 · State Retirement	0.00	0.00	22,250.00	-22,250.00	0.0%
DA90308 · Social Security	1,531.67	9,180.40	12,000.00	-2,819.60	76.5%
DA90408 · Workers Compensaton	0.00	15,737.03	16,226.00	-488.97	96.99%
DA90604 · Benefit inlieu of Health Ins.	3,750.00	11,250.00	12,900.00	-1,650.00	87.21%
DA99019 · Transfer to Capital Reserve	0.00	0.00	50,000.00	-50,000.00	0.0%
<b>Total DA522 · Expenditures</b>	<b>39,591.98</b>	<b>369,594.68</b>	<b>538,100.00</b>	<b>-168,505.32</b>	<b>68.69%</b>
<b>Total Expense</b>	<b>39,591.98</b>	<b>369,594.68</b>	<b>538,100.00</b>	<b>-168,505.32</b>	<b>68.69%</b>
<b>Net Income</b>	<b>-34,587.16</b>	<b>21,976.33</b>	<b>-63,000.00</b>	<b>84,976.33</b>	<b>-34.88%</b>

## **POLICY 3**

### **TOWN OF BERKSHIRE**

#### **WORK PLACE VIOLENCE PREVENTION / SEXUAL HARASSMENT POLICY**

- I. Policy Statement**
- II. Policy Objective**
- III. Scope**
- IV. Definitions**
- V. Risk Factors**
- VI. Methods for Hazard Prevention and Control**
- VII. Reporting of incidents**
- VIII. Responsibilities**
- IX. Education**
- X. Confidentiality**
- XI. Retaliation**
- XII. Administrative Procedures – Sexual Harassment**
- XIII. Administrative Procedures – Workplace Violence**
- XIV. Sexual Harassment Complaint Form**
- XV. Workplace Violence Incident Report**

#### **I. Policy Statement**

Town of Berkshire has a long-standing commitment to promoting a safe and secure work environment for all its employees. All Town employees and elected Town Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion including sexual harassment. While these behaviors are not prevalent in Town of Berkshire's workplaces, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred. This policy also addresses the fact that the Town strongly disapproves of sexual harassment of its employees in any form, and states that all employees, including elected officials at all levels of the Town must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work and will be held responsible for insuring that the workplace is free from sexual harassment. Specifically, the Town prohibits the following:

- Unwelcome sexual advances;
- Requests for sexual favors, whether or not accompanied by promises or

threats with regard to the employment relationship;

- Other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development;
- Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job;
- Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment;

## **II. Policy Objective**

Town of Berkshire prohibits workplace violence and harassment. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence or harassment will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Town property and employees may be subject to disciplinary action up to and including termination, consistent with Town policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. The Town, 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 property unless necessary to transact Town-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).

## **III. Scope**

All Town employees, elected Town Officials, vendors, contractors, consultants, and others, who do business with the Town, whether in a Town facility or where official Town business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Town, such as former employees and visitors. When employees have complaints about other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor they should contact the Town Supervisor.

## **IV. Definitions**

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, or the Town's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- \_Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
- \_Intentional physical contact for the purpose of causing harm (such as

slapping, stabbing, punching, striking, shoving, or other physical attack).

- \_Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.
- \_Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials.

2. Sexual Harassment is any behavior that includes but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

#### **V. Risk Factors**

1. The following risk factors, locations and applicability in Town of Berkshire are listed below:

- Working in public settings: applies to all Town locations and personnel.
- Working late night or early morning hours: applies to all personnel.
- Exchanging money with the public: applies to all personnel.
- Working alone or in small numbers: applies to all personnel.
- Uncontrolled access to the workplace: applies to all personnel.

#### **VI. Methods for Hazard Prevention and Control**

1. It is the policy of the Town to make high risk areas more visible, install additional lighting where needed, post signs where necessary, train employees on conflict resolution and maintain a response system through the Sheriff's Department.

2. The hierarchy of controls to be used is:

- Engineering Controls.
- Administrative Controls.
- Personal Protective Equipment.

3. It is also the Town's policy to use input from a variety of sources including, but not limited to: employee security surveys, self assessments, and lessons learned from other entities to effect changes that make the Town's work areas and personnel as safe as possible.

#### **VII. Reporting of incidents**

1. General Reporting Responsibilities – Workplace Violence

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any Town employee or elected official. Workplace violence should promptly be reported using the workplace violence incident report in paragraph XV. Additionally, Town employees and elected officials are encouraged to report behavior that they reasonably believe poses a potential for workplace

violence as defined in Section IV. It is important that all employees and elected officials take this responsibility seriously to effectively maintain a safe working environment.

#### 2. Imminent or Actual Violence

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

#### 3. Commitment 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.

#### 4. Sexual Harassment

Employees, who have complaints of sexual harassment by anyone at work, including any supervisors, co-employees, or visitors, are urged to report such conduct so that the Town may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisor, department head, Town Supervisor or directly to the Town Attorney.

#### 5. False Reports

Employees and elected officials who make false and malicious complaints of workplace violence or sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to law enforcement authorities as appropriate.

#### 6. Privacy Concern Case

Incidents involving the following injuries or illnesses shall be treated as privacy concern cases:

- An injury or illness to an intimate body part or the reproductive system;
- An injury or illness resulting from a sexual assault;
- Mental illness;
- HIV infection;
- Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and
- Other injuries or illnesses, if the employee independently and voluntarily requests his or her name not to be entered into the report.

If reports of these incidents are to be shared with any other party than the Commissioner of Labor of the State of New York, then the name of the employee who was the victim of the workplace violence shall be removed and "PRIVACY CONCERN CASE" shall be entered in the space normally used for the employee's name.

### **VIII. Responsibilities**

#### 1. Elected Officials and Department Heads

Elected Officials and Department Heads shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all 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.

## 2. Supervisors

Each employee designated with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint 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 call 911 immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

## 3. Employees

Employees must report workplace violence, as defined above, to their supervisor. Employees who are advised that a workplace violence incident has occurred or has been observed must report this to their supervisor immediately. 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 department head.

Employees who have obtained Orders of Protection are expected to notify their supervisor and provide a list of locations that are designated 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. Confidentiality will be maintained to the fullest extent possible. Upon hiring, and annually thereafter, employees will have copies of this policy made available to them. Additionally, the policy will be posted throughout Town buildings and be placed on the Town's intranet, as appropriate.

## 4. Town Supervisor

The Town Supervisor is responsible to insure that new employees or transferred employees have a copy of the Workplace Violence Policy and Procedures made available to them and also insuring Town employees receive appropriate training. The Town Supervisor will also be responsible for annually disseminating any changes made to this policy to Town personnel, as well as ensuring the policy is posted appropriately throughout Town buildings and other work sites.

## 5. Workplace Violence Advisory Team

The Town shall establish a Workplace Violence Advisory Team. This Team will assist the Town in responding to workplace violence; annually reviewing

reported incidents of workplace violence; assessing the potential problem of workplace violence at its sites; assessing the Town's readiness for dealing with workplace violence and evaluating incidents to prevent future occurrences. This Team will also develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to further assist in recognizing and preventing workplace violence at Town buildings and work sites. This Team shall include representatives from Town departments, as deemed appropriate by the Town Board and will meet at least annually.

#### **IX. Education**

The Town is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. The Town Supervisor, department heads and elected officials are responsible to assist in identifying available training opportunities, as well as other resources and tools, (such as reference materials detailing workplace violence warning signs) that can be incorporated into Town prevention materials for dissemination to Town Employees.

#### **X. Confidentiality**

The Town shall maintain the confidentiality of investigations of workplace violence and sexual harassment to the fullest extent possible. The Town 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 Town employees would be served by such action.

#### **XI. Retaliation**

Retaliation against anyone acting in good faith who has made a complaint of workplace violence or sexual harassment, 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 may be subject to discipline up to and including termination.

#### **XII. Administrative Procedures – Sexual Harassment**

A. Referral – Every supervisor, department head or officer who receives a complaint of sexual harassment shall refer the matter as soon as practical to the Town Attorney for investigation. If the complaint is against the Town Attorney, the referral should be made to the Town Supervisor. The referral should be made using the sexual harassment complaint form in paragraph XIV. The above information should be delivered personally rather than by interoffice mail, facsimile or email.

B. Investigation – Upon receipt of the complaint, the Town Attorney shall investigate the complaint or refer the matter to an outside law firm to investigate the harassment claim.

#### **XIII. Administrative Procedures – Workplace Violence**

##### **1. Review of incident**

The administrator to whom the employee reports the incident will review the

incident with that employee and with any other appropriate staff.

## 2. Completion of the incident report

That administrator will begin to complete the incident report during the interview(s).

## 3. Notification of Other Administrators

The supervisor will notify all other administrators (as appropriate) immediately thereafter.

{NOTE: The situation may dictate that the other administrators be notified even before all the details are known so that they can secure the workplace and warn others, as appropriate.}

## 4. Safeguarding the Workplace

a. The administrator to whom the employee reported the incident will take steps to safeguard the workplace. Arrangements will be made in consultation with the Department Head if he/she is immediately available and may include notification of employees and law enforcement officials, if there is good reason to warrant such action.

b. The administrator should consult with the Sheriff, the Town Attorney and other Town officials as the situation dictates.

c. The administrator will make a reasonable effort to notify staff working in the field, if the threat is likely to impact them.

## 5. Timeliness of Reporting

It is the policy of Town of Berkshire to react timely and reasonably to work-related threats against employees and/or their property. Because there are limits to Town of Berkshire's ability to provide effective safeguards, primary responsibility for protecting against harm must remain with the threatened employee through the exercise of vigilance, common sense and his/her rights to police protection as a citizen. Nothing in this procedure limits the threatened employee from exercising his/her legal rights to make additional arrangements for protections which do not impede his/her ability to perform his/her work duties as agreed to with the Department Head.

## 6. Legal Action

Only the Department Head (or in his/her absence, the Acting/Deputy Department Head), shall initiate legal action on behalf of the Town beyond notification of and coordination with law enforcement officials.

## 7. Distribution of Threat Summary

a. If the employee's own administrator was absent when the report was made, the substitute administrator will provide a copy of the incident report to the administrator as soon as possible, regardless of the expected duration of the incident. The employee's administrator will be responsible for taking any necessary action from that point.

b. As soon as the incident report is reasonably complete, (usually within one workday), the administrator to whom the incident was first reported will give it to the Department Head to be kept on file. As the investigation proceeds, the administrator in charge of the case at any given point in time will update that official file as significant events occur. Updates might include:

- 1) Reports that the threatening individual stalked the employee at home;
  - 2) Documentation of additional threats;
  - 3). Further actions taken by the department or law enforcement; etc.
- c. The official file will be kept current by any administrator who takes the investigation over from a substitute administrator.

#### 8. After-hours Threats

If a work-related threat is received after work hours, the employee should immediately make arrangements to protect themselves (i.e., call a police agency and follow their instructions). The employee should then immediately notify their administrator or a substitute administrator, regardless of the time of day. The Town of Berkshire Supervisor should be given and will maintain a list of administrator's home phone numbers.

**XIV. Sexual Harassment Complaint Form**

Complainant's Name \_\_\_\_\_

Job Title \_\_\_\_\_

Workplace Location \_\_\_\_\_

Time period covered by  
complaint \_\_\_\_\_

Individual(s) who committed harassment (LIST BELOW):

NAME JOB TITLE DEPARTMENT

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Describe the dates and the nature of the harassment committed by each identified individual (if additional space is needed, attach a written statement):

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Identify all employees or others with knowledge of or who may be witnesses to the harassment:

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Is there any physical evidence, including written statements, emails or telephone records, which evidences your complaint? If so please describe:

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Have you missed any work as a result of the harassment? If yes, identify the occasions:

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Have you incurred any unreimbursed medical expenses as the result of the harassment?

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Have you previously complained about this or related acts of sexual harassment to a supervisor or official? If so, please identify the individual/s to

whom you complained, the date and nature of the complaint and the resolution of your complaint:

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**ACKNOWLEDGEMENTS**

I hereby attest that the information provided herein is true and correct.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

In order to investigate your complaint, it may be necessary to interview you, the alleged harasser(s), and any witness with knowledge of the allegations or defenses. The Town will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action up to and including termination.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidences the Town deems relevant.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**This form is to be delivered IN PERSON to the Town Attorney and is not to be e-mailed, mailed.**

**XV. Workplace Violence Incident Report**

Today's Date\_\_\_\_\_

Date of Incident\_\_\_\_\_

Time of Incident\_\_\_\_\_

Case Number\_\_\_\_\_

Employee Name\_\_\_\_\_

Title\_\_\_\_\_

Workplace Location\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names and job titles of involved employees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names or identifiers of individuals involved (non-employee):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Extent of injuries:

Names of witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What was the immediate action taken?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Police Notified:

Department\_\_\_\_\_ Name of Officer\_\_\_\_\_

Date\_\_\_\_\_ Time\_\_\_\_\_

Department\_\_\_\_\_ Name of Officer\_\_\_\_\_

Date\_\_\_\_\_ Time\_\_\_\_\_

Actions Town of Berkshire has or is in the process of taking to mitigate future incidents (list time table for correction, interim protective measures and any global (similar worksites) which are apparent:

\_\_\_\_\_  
\_\_\_\_\_

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Signature

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Date

## POLICY 4

### DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY

Sec.

- I. Policy
- II. Violation of Policy

Berkshire recognizes the importance of a safe, efficient and healthy work environment for all employees. Being under the influences of any drug or alcohol on the job poses serious risks to a person's health and safety, and jeopardizes the public trust that has been placed in Berkshire. Consequently, Berkshire has developed the following policy, in accordance with the Drug- Free Workplace Act of 1988, 44 CFR Part 17, Sub-part F.

The below-defined Drug-Free Workplace Policy was adopted by Resolution October 19, 2015

#### I. POLICY

Berkshire absolutely prohibits any use, consumption, sale, manufacture, distribution, dispensing, purchase, transfer or possession of any controlled substance and/or alcohol by any employee while on duty or while on worksite or Berkshire premises. In addition, employees are strictly prohibited from being under the influence of any controlled substance and/or alcohol while performing worksite assignments or while attending Berkshire sponsored training sessions or meetings. Legally prescribed medications are excluded from this prohibition, and permitted only to the extent that the use of such medications does not adversely affect the employee's work ability, job performance or the safety of the employee or others.

As a condition of employment, employees agree to abide by the terms of the prior paragraph, and to notify Berkshire of any criminal drug statute conviction for a violation in the workplace no later than 5 days after such conviction. Law requires Berkshire, to notify our Federal funding source of any convictions within ten (10) calendar days of receiving notice from the employee or other official source. As a minimum, Berkshire will provide the Federal Funding source with the position title of the affected employee and Berkshire's Federal Identification number.

#### II. VIOLATION OF POLICY

An employee who violates this policy shall be subject to disciplinary action up to and including termination. Sanctions may include, but are not limited to, a fine, suspension, demotion, termination or satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purpose by Berkshire.