

# **Village of Wampsville**

## **Policy Handbook**

**2024-2025**

## **INDEX**

**CODE OF ETHICS**

**PROCUREMENT POLICY**

**INVESTMENT POLICY**

**CREDIT CARD USAGE POLICY**

**SEXUAL HARRASSMENT POLICY**

**WORKPLACE VIOLENCE POLICY**

**BREACH POLICY**

**SOCIAL MEDIA POLICY**

**PASSWORD POLICY**

**IPAD POLICY**

**EMERGENCY MANAGEMENT PLAN**

## **CODE OF ETHICS FOR VILLAGE OF WAMPSVILLE**

### **Section 1.**

Pursuant the provisions of the General Municipal Law, the Village of Wampsville recognize that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the officers and employees of the Village of Wampsville. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Wampsville. The rules of ethical conduct of this policy, shall be in addition to any prohibition of Article 18 of the General Municipal Law or any general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### **Section 2. (a)**

**(b)**

#### **Definitions**

"Officer" means an officer or employee of the Village of Wampsville whether paid or unpaid, including members of any administrative board, commission or other body thereof.

"Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

### **Section 3. Standards of Conduct**

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

**(a)**

**Gifts.** He shall not directly, or indirectly, solicit any gifts; or accept or receive any gift having a value of seventy five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

**(b) Confidential Information.** He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

**(c) Representation before one's own agency.** He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal

agency of which he is any officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

**(d) Representation before any agency for a contingent fee.** He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing of fees based upon the reasonable value of the services rendered.

## **POLICY AND PROCEDURES**

Subject: (e)

Code of Ethics

Disclosure of Interest in Legislation. To the extent that he knows thereof, a member of the Village of Wampsville's Board of Trustees, any officer or employee of the Village of Wampsville, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

(f) Investments in Conflict with Official Duties. He shall not invest in or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.

Private Employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

(h) Future Employment. He shall not, after termination of service or employment with the Village of Wampsville appear before any board or agency of the Village of Wampsville in relation to any case, proceeding application in which he personally participated during the period of his service or employment or which was under his active consideration.

Section 4.

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

Section .5 Distribution of Code of Ethics. The Director of this Agency shall cause a copy of this code of ethics to be distributed to every officer and employee of the City within thirty days of its adoption. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

Section 6. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law

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## **VILLAGE OF WAMPSVILLE PROCUREMENT POLICY**

**WHEREAS**, Section 104-B of the General Municipal Law requires the governing body of every Municipality to adopt a Procurement Policy for all goods and services which are not required by law to be publicly bid.

**WHEREAS**, comments have been solicited from all officers in the Village of Wampsville involved in the procurement process.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Wampsville 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**

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good is expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, take into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of General Municipal Law: Purchase contracts under \$20,000 and public works contract under \$35,000; emergency goods purchased from correctional institutions; purchases under State and County Contracts; and surplus and second hand purchased 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 purchases. This documentation may include written or verbal quotes from vendors, a memo from a 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 which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals. Written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000.00 and public works contracts over \$35,000.00; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Financial Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; goods purchased under State Contracts pursuant to Section 104 of the General Municipal Law; purchases under County Contracts pursuant to Section 103(3) of the General Municipal Law; or 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.:

**ESTIMATED AMOUNT OF PURCHASE CONTACT-METHOD**

\$1,000.00 - \$2,999.00

Verbal Quotations

\$3,000.00 - \$9,999.00

Written Quotations or Written Request for Proposals

A good faith effort shall be made 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 bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the awarded will achieve savings on how the offeror is not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the Procurement Policy may contain circumstances when, or types of procurement 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 Village of Wampsville 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 accountability, reliability, responsibility, skill education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.
- In determining whether a service fits into this category, the Village of Wampsville 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
  - (3) Whether the services requires a personal relationship between the individual and Municipal Officials

Professional or technical service shall include but not be limited to the following Services of an Attorney; services of a Physician; technical services of an Engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an Insurance Broker; services of a Certified Public Accountant; Investment management services; Printing services involving extensive writing, editing or art work; Management of Municipally owned property; and computer software in programming services for customized programs or services involved in substantial modification and customizing of a pre-packaged software.

- b. Emergency purchase pursuant to Section 103(4) of the General Municipal Law, due to the nature of the exception, these goods or services must be purchased immediately and delay in order to seek alternate proposals may threatened the life, health, safety for the residents. This section does not preclude alternate proposals if time permits.
  - c. Purchase of surplus and second hand goods from any source. If alternate proposals are required, the Village of Wampsville is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and lower price may indicate an older product.
  - d. Goods or services under \$1,000.00. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition; it is not likely that such de minimis contracts would be awarded based on favoritism.
7. This policy shall take effect May 17, 2019 and shall be updated periodically.

Revised – October 7, 2012

Adopted 4/9/2013

## INVESTMENT POLICY

The objectives of the Investment Policy of the Local Government are to minimize risk; to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate of return. In accordance with this policy, the chief fiscal officer is hereby authorized to invest all funds including proceeds of obligations and reserve funds in:

- Certificates of Deposit issued by a bank or trust company authorized to do business in New York State;
- Time Deposit Accounts in a bank or trust company authorized to do business in New York State;
- Obligations of New York State;
- Obligations of the United States Government;
- In Repurchase agreements involving the purchase and sale of direct obligations of the United States,

All funds except Reserve funds may be invested in:

- Obligations of agencies of the federal government if principal and interest is guaranteed by the United States;
- With the approval of the State Comptroller, in Revenue Anticipation Notes or Tax Anticipation Notes of other local government.

Only reserve funds may be invested in:

- Obligations of the Village of Wampsville.

All other Village of Wampsville officials receiving money in their official capacity must deposit such funds in negotiable order of withdrawal accounts.

All investments made pursuant to this investments policy shall, comply with the following conditions:

### 1. COLLATERAL.

- a. Certificates of deposit shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be delivered to the Local Government or a Custodial Bank with which the Local Government has entered into a Custodial Agreement. The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit. Collateral shall be monitored no less frequently than weekly, and market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service.

- b. Securities purchased through a repurchase agreement shall be valued to market at least weekly.
- c. Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States, and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.

## **2. DELIVERY OF SECURITIES.**

- a. Repurchase Agreements. Every Repurchase Agreement shall provide for payment to the seller only upon the seller's delivery of obligations of the United States to the Custodial Bank designated by the Village of Wampsville, or in the case of a book-entry transaction, when the obligations of the United States are credited to the Custodian's Federal Reserve Bank account. The seller shall not be entitled to substitute securities. Repurchase agreements shall be for periods of 30 days or less. The Custodial Bank shall confirm all transactions in writing to insure that the Village of Wampsville ownership of the securities is properly reflected on the records of the Custodial Bank.
- b. Payment shall be made by or on behalf of the Village of Wampsville for obligations of New York State, obligations the principal and interest of which are guaranteed by the certificates, United States Obligations, certificates of deposit, and other purchased securities upon the delivery thereof to the custodial bank, or in the case of a book-entry transaction, when the purchased securities are credited to the Custodial Bank's Federal Reserve System account. All transactions shall be confirmed in writing.

## **3. WRITTEN CONTRACTS.**

Written contracts are required for Repurchase Agreements, certificates of deposit, and custodial undertakings. With respect to the purchase of obligations of U.S., New York State, or other governmental entities, etc. in which monies may be invested, the interests of the Village of Wampsville will be adequately protected by conditioning payment on the physical delivery of purchased securities to the Local Government or Custodian, or in the case of book-entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed in writing to the Village of Wampsville.

It is therefore, the policy of the Village of Wampsville, to require written contracts as follows.

- a. Written contracts shall be required for all Repurchase Agreements. Only credit worthy banks and primary reporting dealers shall be qualified to enter into a Repurchase Agreement with the Local Government. The written contract shall provide that only obligations of the United States may be purchased, and the Village of Wampsville shall make payment upon delivery of the securities or appropriate book-entry of the purchased securities. No specific repurchase agreement shall be

entered into unless a master repurchase agreement has been executed between the Local Government and the trading partners. While the term of the master repurchase agreement may be for a reasonable length of time, a specific repurchase agreement shall not exceed thirty (30) days.

b. Written contracts shall be required for the purchase of all certificates of deposit.

c. A written contract shall be required with the Custodial Bank.

#### 4. DESIGNATION OF CUSTODIAL BANK.

1. Custodial Bank. The Trust Bank Company chartered by the State of New York is designated to act as Custodial Bank of the Village of Wampsville's investments. However, securities may not be purchased through a Repurchase Agreement with the Custodial Bank.

#### 5. FINANCIAL STRENGTH OF INSTITUTIONS

All trading partners must be credit worthy. Their Financial statements must be reviewed at least annually by the Chief Fiscal Officer to determine satisfactory financial strength or the chief fiscal officer may use credit rating agencies to determine credit worthiness of trading partners. Concentration of investments in financial institutions should be avoided. The general rule is to place more than \$ 100,000.00 in overnight investments with any one institution.

Investments in time deposits and certificates of deposit are to be made with banks or trust companies. Their annual reports must be reviewed by the Chief Fiscal Officer to determine satisfactory financial strength.

When purchasing eligible securities the seller shall be required to deliver the securities to our Custodial Bank.

Repurchase agreements shall be entered into only with banks or trust companies or registered and primary reporting dealers in government securities. Sound credit judgments must be made with respect to trading partners in repurchase agreements. It is not assumed that inclusion on a list of the Federal Reserve is automatically adequate evidence of credit worthiness.

Repurchase agreements should not be entered into with undercapitalized trading firms.

A margin of 5% or higher of the market value of purchased securities in repurchase agreements must be maintained.

#### 6. OPERATIONS, AUDIT, AND REPORTING.

- The chief fiscal officer or the deputy chief fiscal officer shall authorize the purchase and sale of all securities and execute contracts for Repurchase Agreements and certificates of deposit on behalf of the Village of Wampsville. Oral Directions concerning the purchase or sale of securities shall be confirmed in writing. The

Village of Wampsville shall pay for purchased securities upon the delivery or book-entry thereof.

- The Village of Wampsville will encourage the purchase and sale of securities and certificates of deposit through a competitive or negotiated process involving telephone solicitation of at least three bids for each transaction.
- At the time independent auditors conduct the annual audit of the accounts and financial affairs of the Village of Wampsville, the independent auditors shall audit the investments of the Village of Wampsville for compliance with the provisions of these Investment Guidelines.
- Within sixty (60) days of the end of the first three quarters of the fiscal year, the chief fiscal officer shall prepare and submit to the Audit and Finance Committee of the Village of Wampsville a quarterly investment report which indicate new investments, the inventory of existing investments, and such other matters as the chief fiscal officer deems appropriate.
- Within 120 days of the end of the fiscal year, the chief fiscal officer shall prepare and submit to the Audit and Finance Committee an annual investment report; recommendations for change in these Investment Guidelines; the results of the annual independent audit; the investment income record; a list of total fees, commissions or other charges, if any, paid to the Custodial Bank and such other matters as the chief fiscal officer deems appropriate.
- The Governing Board of the Village of Wampsville shall review and approve the annual investment report, if practicable, at its year end meeting.
- At least annually, and if practicable, at the second meeting of the Village of Wampsville, the Members shall review and amend, if necessary these Investment Guidelines.

## **CREDIT CARD USAGE POLICY**

**WHEREAS**, the Village of Wampsville (the "Village") is currently without a policy for the use of Credit Card; and

**WHEREAS**, the Village Board of Trustees wish to adopt a policy to establish procedures to streamline and simplify Village Purchasing of supplies and services, and emergency purchases for various departments; and

**WHEREAS**, the Village may receive a rebate with some purchases made using the assigned credit card; now therefore be it

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of Trustees adopt the attached Credit Card Usage Policy, and be it further;

**RESOLVED**, that this policy be effective April 11, 2017 and that the policy be filed in the Village Clerk's Office with copy of said policy be given to the Village Attorney, and be it further;

**RESOLVED**, that the following credit card policy below authorizes the Mayor and the Fire Chief as Village credit card users, and be it further;

**RESOLVED**, the Village of Wampsville shall issue credit cards to the Mayor and Fire Chief for the purchase of items necessary to carry on the business of the Village, and be it further;

**RESOLVED**, that the credit cards are to be used only if the vendor will not invoice the Village and will not accept a Purchase Order from the Village to complete the transaction or that the Village will receive a rebate for credit card usage. Individual items purchased with a credit card shall not exceed \$1,000 without Quotes in accordance to the Village's Procurement Policy, and be it further;

**RESOLVED**, that the following general rules apply to the use of the cards:

- 1) All purchases are subject to the Purchasing Procurement Policy. Quotes, for items over \$999.99, are necessary before a purchase can be transacted.
- 2) Cards shall not be used for personal purchase of any kind. Use of the cards for personal purchases or expenses with the intention of reimbursing the Village is prohibited. Personal liability for such purchases will be immediately made and the loss of credit card privileges will result from such circumstances.

## Sample Company Credit Card Usage Policy

[Company name] ("Company") will issue company credit cards to certain employees for use in their jobs. This policy sets out the acceptable and unacceptable uses of such credit cards.

- Use of company-issued credit cards is a privilege that the Company may withdraw at any time, with or without cause. Upon an employee's termination of employment at the Company, all cards must be returned to the Company's [specify department or officer to whom card should be returned].
- The employee in possession of the company credit card is solely responsible for all purchases on the card and for ensuring that the card is not used by unauthorized personnel. Card numbers may not be distributed and should not be saved in online accounts.
- Any credit card [company name] issued to an employee must be used for business purposes only, and for purposes in conjunction with the employee's job duties. Employees with such credit cards shall not use them for any non-business purpose. Non-business purchases are considered any purchases that are not for the benefit of the Company.
- Business-related expenses, such as food and lodging while on Company-approved business travel, may be purchased on the company credit card as long as these purchases are consistent with the Company's travel and expense reimbursement policy.
- Any purchases in the amount of \$\_\_\_\_\_ or above must be approved prior to purchase. The employee must submit the purchase request in writing to [finance department or other supervisor or department – specify] and receive approval in writing before making the purchase. The employee should attach a copy of the purchase approval to the receipt and submit them together

when submitting the receipt to [finance department or other supervisor – specify].

- The employee in possession of the credit card is responsible for receiving, printing, and retaining all receipts related to purchases made on the company credit card. If a receipt is lost, a written description of the items and cost of the purchase must be maintained and submitted in the same manner in which a receipt would be maintained and submitted.
- Receipts need to be turned into the [finance department or other supervisor - specify] within one week of the date of purchase. All receipts should be labeled with a description of what the purchase was for to ensure proper accounting of the purchase. Any receipts for meals or entertainment must be attached to a paper that clearly indicates the names of all persons attending the meal or entertainment and the business purpose of such event.
- If any employee uses a company credit card for a personal purchase in violation of this policy, the cost of such purchase(s) will be considered an advance of future wages payable to that employee, and will be deducted in full from the employee's next paycheck. Any remaining balance will be deducted from subsequent paychecks until the wage advance is fully repaid. These deductions may take the employee's wages below minimum wage for the pay period(s) in question.
- If any employee uses a company credit card for a non-personal purchase that is not within the scope of the employee's duties or the employee's authorization to make business-related purchases, the cost of such purchase(s) will be the financial responsibility of that employee unless otherwise expressed in writing by [state position of officer who is able to authorize such purchases]. The

employee will be expected to reimburse the Company via deductions from pay until the unauthorized amount is fully repaid. These deductions will at no time take the employee's wages below minimum wage.

- In addition to financial responsibility and liability for wage deductions, any purchases an employee makes with a company credit card in violation of this policy will result in disciplinary action, up to and possibly including termination of employment.
- This policy will remain in effect as long as employee has a company credit card or until a new policy has been issued and which clearly indicates that it is intended to be a replacement of this policy.

#### **Policy Acknowledgment**

I, \_\_\_\_\_, hereby acknowledge that I have received a corporate credit card. I have been provided with and read the corporate credit card policy, and I understand that I am responsible for complying with the policy rules. I understand that violation of such policy may result in consequences including cancellation of my card or my termination.

I further acknowledge that I understand that if I make any personal purchases in violation of this policy, the amount of such purchases is an advance of future wages payable to me, that the Company may deduct that amount from my next paycheck, and that if there is a balance remaining after such deduction, the Company must deduct the balance of the wage advance from my future paychecks until the amount is repaid in full. Such deductions may take my pay below minimum wage for the workweek(s) in question. I further agree that if I make any non-personal transactions in violation of the policy in question, I am financially responsible for any such expenses and agree to reimburse the Company via wage deductions until the unauthorized amounts are fully repaid. Such deductions are in the amount of the unauthorized purchase(s), but if such amount would take my pay below minimum wage for the workweek in question, the deductions will be in two or more increments that will not take my pay below minimum wage for any workweek.

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Signature of Employee

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date

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Printed Name

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Signature of Company Representative

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date

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Printed Name

# VILLAGE OF WAMPSVILLE SEXUAL HARRASSMENT POLICY

## Introduction

The Village of Wampsville is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. 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 Wampsville's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Village of Wampsville. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

## Policy:

1. The Village of Wampsville's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Village of Wampsville. In the remainder of this document, the term "employees" refers to this collective group.
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 (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse 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 Wampsville will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Village of Wampsville who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Mayor of the Village of Wampsville. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Village of Wampsville to liability for harm to targets 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 allow such behavior to continue, will be penalized for such misconduct.
5. The Village of Wampsville will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Village of Wampsville will keep the investigation confidential to the extent possible. 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 Wampsville 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 or become aware of, to the Mayor of the Village of Wampsville.
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 provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) 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, self-identified or perceived sex, gender expression, 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting 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 includes, but is not limited to, 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 report so that any violation of this 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 acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's 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 overt threats concerning the target'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 or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 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. Harassers 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, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage 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 (e.g., threats of physical violence outside of work hours).

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:

- made 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;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Village of Wampsville 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 or the Mayor of the Village of Wampsville. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Mayor of the Village of Wampsville.

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 target 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 Mayor of the Village of Wampsville.

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 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, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, 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. The Village of Wampsville will not tolerate retaliation against employees who file

complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Mayor of the Village of Wampsville will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, 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 their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections And External Remedies**

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

Aside from the internal process at the Village of Wampsville employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all 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 the Division of Human Rights (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 sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Village of Wampsville does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment 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 of 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. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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 for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e 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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work 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 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

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

If any employee of the Village of Wampsville receives sexual harassment training at another job, prior to the village training, the village will accept that training, with proof of said training, in lieu of doing the village sexual harassment training.

## **VILLAGE OF WAMPSVILLE WORKPLACE VIOLENCE POLICY**

Village of Wampsville maintains a zero tolerance standard of violence in the workplace. The purpose of this policy is to provide Wampsville employees guidance that will maintain an environment at and within Village of Wampsville property and events that is free of violence and the threat of violence.

### **POLICY:**

Violent behavior of any kind or threats of violence, either implied or direct, are prohibited at Village of Wampsville, in properties and at Village of Wampsville sponsored events. Such conduct by a Village of Wampsville employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. Violent threats or actions by a non-employee may result in criminal prosecution. Village of Wampsville will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

### **DEFINITIONS:**

**Workplace Violence:** Behavior in which an employee, former employee, patient, client, relative or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

**Threat:** The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

**Intimidation:** Making others afraid or fearful through threatening behavior.

**Zero-tolerance:** A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.

**Court Order:** An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

### **PROHIBITED BEHAVIOR:**

Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:

1. Direct threats or physical intimidation.
2. Implications or suggestions of violence; including "veiled threats".
3. Stalking.
4. Possession of weapons of any kind on Village of Wampsville property, including parking lots, other exterior premises or while engaged in activities for Village of Wampsville in other

locations, or at Village of Wampsville sponsored events, unless such possession or use is a requirement of the job.

5. Assault of any form.

6. Physical restraint, confinement.

7. Dangerous or threatening horseplay.

8. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.

9. Blatant or intentional disregard for the safety or well-being of others.

10. Commission of a violent felony or misdemeanor on Village of Wampsville property.

11. Any other act that a reasonable person would perceive as constituting a threat of violence.

Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

- Spouse or former spouse;
- Domestic partner or former domestic partner;
- Cohabitant or former cohabitant and/or other household members;
- A person with whom the victim is having, or has had, a dating or engagement relationship;
- A person with whom the victim has a child.

Village of Wampsville recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

## REPORTING ACTS OR THREATS OF VIOLENCE

1. is the victim of violence, or

2. believes they have been threatened with violence, or

3. witnesses an act or threat of violence towards anyone else shall take the following steps:

- If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police officials by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
- If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the (Company) Workplace Violence Incident Report Form.
- Employees have the right to file a complaint with the police department on their own.

## PROCEDURES-FUTURE VIOLENCE:

Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with Village of Wampsville, shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform his/her

Department Director or designee, the Director of Human Resources and the local law enforcement officials.

Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the Department Director, the Director of Human Resources and local police.

#### **INCIDENT INVESTIGATION:**

Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The employee's Department Director will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the Department Director will refer the matter to local police for their review of potential violation of civil and/or criminal law.

Procedures for investigating incidents of workplace violence include: - Visiting the scene of an incident as soon as possible.

- Interviewing injured and threatened employees and witnesses.

Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.

- Determining the cause of the incident.

- Taking mitigating action to prevent the incident from recurring. Recording the findings and mitigating actions taken.

In appropriate circumstances, (Company) will inform the reporting individual of the results of the investigation. To the extent possible, (Company) will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. (Company) will not tolerate retaliation against any employee who reports workplace violence.

#### **MITIGATING MEASURES:**

Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

- Notification of law enforcement authorities when a potential criminal act has occurred.

- Provision of emergency medical care in the event of any violent act upon an employee.

- Post-event trauma counseling for those employees desiring such assistance.

- Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy. - Requesting Village of Wampsville 's attorney file a restraining order as appropriate.

#### **TRAINING AND INSTRUCTION:**

Village of Wampsville's Human Resources Department shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instruction on general workplace security practices. Department Directors shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instructions on job specific workplace security practices.

Training and instruction shall be provided as follows:

- To all current employees when the policy is first implemented.

- To all newly hired employees, supervisors and managers, or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided.
- To affected employees whenever management is made aware of a new or previously unrecognized hazard.

Workplace security training and instruction includes, but is not limited to, the following:

- Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
- Methods to diffuse hostile or threatening situations.
- Escape routes.
- Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their.

## INSTRUCTIONS

Date of Incident \_\_\_\_\_ Time \_\_\_\_\_ AM PM Date of Notification \_\_\_\_\_  
Specific Location of Incident \_\_\_\_\_

Client Visitor Employee-Co Worker Other \_\_\_\_\_  
Name of person who committed the incident (if known)

Witnesses if any Yes No If Yes, interviewed? Yes No  
Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Please use back side of this report for additional information**

[illegible]

What steps could be taken to avoid a similar situation in the future?

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Action taken: Referred to HR Interviewed all parties, investigated facts, filed with CHR  
Dismissed complaint because

\_\_\_\_\_ Other

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Action taken by \_\_\_\_\_

Date \_\_\_\_\_ Name of person completing the form

Distribution of Form \_\_\_\_\_

## Village of Wampsville Breach Policy

### **1. Overview**

This policy mandates that any individual who suspects that a theft, breach or exposure of the Village of Wampsville Protected or Sensitive information has occurred must immediately provide a description of what occurred via email to the IT Provider contracted with the village or by calling the IT Provider. This e-mail address and phone number are monitored by the the Village of Wampsville's Clerk and or Mayor. They will investigate all reported thefts, data breaches and exposures to confirm if a theft, breach or exposure has occurred. If a theft, breach or exposure has occurred, the mayor will follow the appropriate procedure in place.

### **2. Purpose**

The purpose of the policy is to establish the goals and the vision for the breach response and notification process. This policy will clearly define to whom it applies and under what circumstances, and it will include the definition of a breach, staff roles and responsibilities, standards and metrics (e.g., to enable prioritization of the incidents), as well as reporting, remediation, and feedback mechanisms. The policy shall be well publicized and made easily available to all personnel whose duties involve information privacy and security protection.

the Village of Wampsville's intentions for publishing a Breach Response and Notification Policy are to focus significant attention on information security and information security breaches, and how the Village of Wampsville's established culture of openness, trust and integrity should respond to such activity. the Village of Wampsville. Information Security is committed to protecting the Village of Wampsville's employees, partners and the company from illegal or damaging actions by individuals, either knowingly or unknowingly.

### **3. Scope**

This policy applies to all who collect, access (or have access to), maintain, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle non-public (NPI) or personally identifiable (PII) of the Village of Wampsville and/or its clients. Any agreements with vendors will contain language similar and/or reference this policy, with attestations as to have read, understand and agree to comply with the same.

### **4. Policy**

- Confirmed theft, data breach or exposure of the Village Of Wampsville's Protected or Sensitive information
  - As soon as a theft, data breach or exposure containing the Village of Wampsville's Protected or Sensitive information is identified, the process of removing all access to that resource will begin.
  - The PPO will chair an incident response team to handle the breach or exposure.

o The team will include, where applicable, members from:

§ IT Infrastructure

§ IT Applications

§ Finance

§ Legal

§ Communications

§ Client/Customer Services (if customer data is affected)

§ Human Resources

§ The affected unit and/or department that uses the involved system or output or whose information may have been breached or exposed

§ Additional units/departments based on the information type involved

§ Additional individuals as deemed necessary by the PPO.

o Confirmed theft, breach or exposure of \_Company Name\_

§ The PPO will be notified of the theft, breach or exposure. IT, along with the designated forensic team, will analyze the breach or exposure to determine the root cause.

§ Notification by any third party provider engaged by the Village of Wampsville who collects, accesses (or has access to), maintains, distributes, processes, protects, stores, uses, transmits, disposes of, or otherwise handles non-public (NPI) or personally identifiable (PII) to the PPO of the theft, breach or exposure is a requirement of doing business with the Village of Wampsville. The PPO will treat this the same as if it were a breach of the Village of Wampsville; effectively this is out-sourcing the work while in-sourcing the liability. All policies and procedures relating thereto will be followed.

o Work with Forensic Investigators

§ As provided by the Village of Wampsville's cyber insurance, the insurer will need to provide access to forensic investigators and experts that will determine how the breach or exposure occurred; the types of information involved; the number of internal/external individuals and/or organizations impacted; and analyze the breach or exposure to determine the root cause.

§ Where the Village of Wampsville's insurance policies don't direct or otherwise cover forensics, unless same is deemed necessary by the Village of Wampsville's PPO, or, if the PPO does not have the authority, the person responsible for such a decision, or required by law, no additional forensics will be performed beyond that of the work done by the Breach Response team.

o Develop a communication plan.

§ Work with the Village of Wampsville's communications, legal and human resource departments to decide how to communicate the breach to: a) internal employees, b) the public, and c) those directly affected.

§ As required by relevant laws and regulations, notification of a breach, and the potential, or realized, exposure of NPI/PII, to clients/customers is required.

§ Any breach to a third party provider, and who, as required, notified the PPO will, like any breach to the Village of Wampsville will require a Communication Plan per this section. The responsibility for the third party provider is to notify the Village of Wampsville if they've suffered, or believed to have suffered, a data breach. The Village of Wampsville is still liable to disclose the breach to its customers. The responsibility for the third party provider is to notify the Village of Wampsville if they've suffered, or believed to have suffered, a data breach. The Village of Wampsville is still liable to the disclosure of the breach to its customers/clients.

o Ownership and Responsibilities

§ Custodians are those members of the Village of Wampsville's team that have primary responsibility for maintaining any particular information resource. Custodians may be

o The team will include, where applicable, members from:

§ IT Infrastructure

§ IT Applications

§ Finance

§ Legal

§ Communications

§ Client/Customer Services (if customer data is affected)

§ Human Resources

§ The affected unit and/or department that uses the involved system or output or whose information may have been breached or exposed

§ Additional units/departments based on the information type involved

§ Additional individuals as deemed necessary by the PPO.

o Confirmed theft, breach or exposure of Company Name

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o Ownership and Responsibilities

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designated by any Village of Wampsville's Executive in connection with their administrative responsibilities, or by the actual custody, collection, development, or storage of information.

§ Principal Privacy Officer is the member of the Village of Wampsville's team, designated by Senior Management, who provides administrative support for the implementation, oversight and coordination of security procedures and systems with respect to specific information resources in consultation with the relevant Custodians.

§ Users include virtually all the Village of Wampsville's stakeholders to the extent they have authorized access to information resources, and may include the Village of Wampsville's employees, contractors, consultants, interns, temporary employees and volunteers.

§ The Incident Response Team shall be Senior Management and may include, but will not be limited to, the following departments or their representatives:

- IT- Infrastructure, IT-Application Security, Communications, Legal, Management, Financial Services, Client/Customer Services and Human Resources.

- Delay of Notification

§ Authorized for Law Enforcement Purposes. If a law enforcement official states to the Covered Entity or a business associate that a notification, notice, or posting would impede a criminal investigation or cause damage to national security, the Covered Entity or a business associate shall:

- If the statement is in writing and specifies the time for which a delay is required, delay such notification, notice, or posting for the time period specified by the official; or

- If the statement is made orally, document the statement, including the identity of the official making the statement, and delay the notification, notice, or posting temporarily and no longer than 30 days from the date of the oral statement, unless a written statement as described above is submitted during that time.

§ Definitions

- Breach – Breach means the acquisition, access, use, or disclosure of Non-Public or Personally Identifiable in a manner not permitted under relevant laws or regulations, which compromises the security or privacy of the protected information. Breach excludes:

- Any unintentional acquisition, access, or use of protected information by a workforce member or person acting under the authority of a covered entity or business associate if such acquisition, access, or use was made in good faith and within the scope of authority and does not result in further use or disclosure in a manner not permitted under governing law and/or regulation.

- Any inadvertent disclosure by a person who is authorized to access protected information at a covered entity or business associate to another person authorized to access NPI or PII at the same covered entity or business associate, or organized arrangement in which the covered entity participates, and the information received as a result of such disclosure is not further used or disclosed in a manner not permitted under governing law and/or regulation.

- A disclosure of protected information where a covered entity or business associate has a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain such information.

- Business Associate - A "business associate" is a person or entity that performs certain functions or activities that involve the use or disclosure of protected information (NPI or PII) on behalf of, or provides services to, a covered entity. A member of the covered entity's workforce is not a business associate.

- Covered Entity - For NPI, covered entities are any person operating under or required to operate under a license, registration, charter, certificate, permit, accreditation or similar

authorization under the Banking Law, the Insurance Law or the Financial Services Law. For PII, any organization, individual and/or individuals who use, store, destroy, transmit, copy, etc. Personally Identifiable Information.

- Encryption or encrypted data – The most effective way to achieve electronic information security. To read an encrypted file, you must have access to a secret key or password that enables you to decrypt it. Unencrypted data is called plain text;

- Plain text – Unencrypted data.

- Hacker – A slang term for a computer expert/enthusiast with demonstrated skills in programming languages, computer systems and social engineering, and can often be considered an expert on the subject(s).

Non-Public Information (NPI) - Defined as all electronic information that is not publicly available information and is:

- o Business-related information

- o Information concerning an individual, which, because of name, number, personal mark or other identifier, can be used to identify such an individual when combined with SSN, driver's license, account number, security code or biometric records

- Personally Identifiable Information (PII) - Any information that can be used to contact, locate or identify a specific individual, either by itself or combined with other sources that are easily accessed. It can include information that is linked to an individual through financial, medical, educational or employment records. Some of the data elements that might be used to identify a certain person could consist of fingerprints, biometric data, a name, telephone number, email address or social security number. Safeguarding PII and other sensitive information is the responsibility of federal agencies.

- Protected information - See NPI or PII

- Information Resource - The data and information assets, both physical and electronic, of an organization, department or unit.

- Safeguards - Countermeasures, controls put in place to avoid, detect, counteract, or minimize security risks to physical property, information, computer systems, or other assets. Safeguards help to reduce the risk of damage or loss by stopping, deterring, or slowing down an attack against an asset.

- Sensitive information - Information that is encrypted or in plain text and contains NPI or PII. See NPI or PII above.

## **5. Enforcement**

- Any Company Name personnel found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

- Any third party partner company found in violation may have their network connection terminated and/or our relationship severed; the terms of the same to be defined in the Agreement memorializing such relationship.

authorization under the Banking Law, the Insurance Law or the Financial Services Law. For PII, any organization, individual and/or individuals who use, store, destroy, transmit, copy, etc. Personally Identifiable Information.

- Encryption or encrypted data – The most effective way to achieve electronic information security. To read an encrypted file, you must have access to a secret key or password that enables you to decrypt it. Unencrypted data is called plain text;

- Plain text – Unencrypted data.

- Hacker – A slang term for a computer expert/enthusiast with demonstrated skills in programming languages, computer systems and social engineering, and can often be considered an expert on the subject(s).

Non-Public Information (NPI) - Defined as all electronic information that is not publicly available information and is:

- o Business-related information

- o Information concerning an individual, which, because of name, number, personal mark or other identifier, can be used to identify such an individual when combined with SSN, driver's license, account number, security code or biometric records

- Personally Identifiable Information (PII) - Any information that can be used to contact, locate or identify a specific individual, either by itself or combined with other sources that are easily accessed. It can include information that is linked to an individual through financial, medical, educational or employment records. Some of the data elements that might be used to identify a certain person could consist of fingerprints, biometric data, a name, telephone number, email address or social security number. Safeguarding PII and other sensitive information is the responsibility of federal agencies.

- Protected information - See NPI or PII

- Information Resource - The data and information assets, both physical and electronic, of an organization, department or unit.

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# VILLAGE OF WAMPSVILLE

## SOCIAL MEDIA POLICY

### Purpose:

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, Village of Wampsville may consider using social media tools to reach a broader audience. The Village encourages the use of social media to further the goals of the Village and the missions of its departments, where appropriate. The Village of Wampsville has an overriding interest and expectation in deciding what is "spoken" on behalf of the Village on social media sites. This policy establishes guidelines for the use of social media.

### GENERAL

1. All Village of Wampsville's social media sites posts will be subject to approval by the mayor and or site administrators.

2. The Village of Wampsville's websites ([www.wampsvillecnycny.com](http://www.wampsvillecnycny.com)), will remain the Village's primary and predominant internet presences.

1 The best, most appropriate Village of Wampsville uses of social media tools fall generally into two categories:

1. As channels for disseminating time-sensitive information as quickly as possible (example: emergency information).

2. As marketing/promotional channels which increase the Village's ability to broadcast its messages to the widest possible audience.

2. Wherever possible, content posted to Village of Wampsville social media sites will also be available on the Village's main websites.

3. Wherever possible, content posted to Village of Wampsville social media sites should contain links directing users back to the Village's official websites for in depth information, forms, documents or online services necessary to conduct business with the Village of Wampsville

4. As is the case for the Village of Wampsville primary website, [www.wampsvillecnycny.com](http://www.wampsvillecnycny.com), the designated alternate shall be responsible for the content and upkeep of any social media sites on behalf of the Village government.

5. All Village of Wampsville social media sites shall comply with all appropriate Village of Wampsville policies and standards. Any exceptions will be approved by the Village Clerk and subject to review by the Village Board members.

6. The Village of Wampsville,s social media sites shall comply with Wampsvile's Code of Ethics and administrative polices and New York State Election law.
7. The Village of Wampsville will follow all records management requirements laid out in the New York State MU-1 schedule as they pertain to the content, related to Village business, maintained in a social media format.
8. . Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between Village government and members of the public. The Village of Wampsville's social media site articles and comments containing any of the following forms of content shall not be allowed:
  1. Comments not topically related to the particular social medium article being commented upon;
  2. Comments in support of or opposition to political campaigns or ballot measures;
  3. Profane language or content;
  4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
  5. Sexual content or links to sexual content;
  6. Solicitations of commerce;
  7. Conduct or encouragement of illegal activity;
  8. Confidential or Village personnel matters;
  9. Information that may tend to compromise the safety or security of the public or public systems; or
  10. Content that violates a legal ownership interest of any other party. These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available.
9. The Village reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.
10. The Village will approach the use of social media tools as consistently as possible, enterprise wide.
11. All new social media tools proposed for the Village use will be approved by the Board of Trustees.
12. Administration of the Village of Wampsville's social media sites.

1. The Village Clerk will maintain a list of social media tools which are approved for use by the Village.

2. The Village clerk will maintain a list of all the Village of Wampsville's social media sites, including login and password information. Website administrator will inform the Village Clerk of any administrative changes needed to the sites and will provide relevant content for posting.

3. The Village must be able to immediately edit or remove content from social media sites.

## **VILLAGE OF WAMPSVILLE PASSWORD POLICY**

**Purpose:** The purpose of this password policy is to ensure the security and integrity of the Village of Wampsville's information and information technology systems by outlining the standards for creating and maintaining strong passwords.

**Scope:** This policy applies to all employees, officials, and contractors of the Village of Wampsville, who use Wampsville's information and information technology systems.

### **Password Requirements:**

1. Passwords must be at least eight (8) characters long.
2. Passwords must contain a combination of upper and lowercase letters, numbers, and special characters (&, @, #).
3. Passwords must not contain any easily guessable information such as birthdates, names, or common words.
4. Passwords must be unique and not used for any other accounts or services.
5. Passwords must be changed annually.
6. Passwords must not be written down or stored in an unsecured location.

### **Password Management:**

1. Employees/Officials must not share their passwords with anyone, including supervisors or IT contractors.
2. Employees/Officials must log out of their accounts or lock their devices when leaving them unattended.
3. IT contractors or Village of Wampsville Officials must enforce the password policy and monitor for any password-related issues.
4. Employees/Officials must reset passwords immediately upon notification of potential or actual password compromise.

### **Password Usage:**

1. Passwords must be used to authenticate access to the Village of Wampsville's information and information technology systems.

# **Village of Wampsville Policy and Procedure**

## **Use of Village owned I Pads**

The Village of Wampsville will provide an I Pad for the following people: Mayor, 4 Trustees, Clerk, Zoning/ Planning Chairperson. This will be used for official business only.

### **Purpose:**

The purpose of purchase of laptops for village business is to separate village business from personal accounts. It is the Villages expectation that the staff will use the I Pad to review minutes, financial reports, agenda before the monthly meeting and will send any questions about above mentioned to the clerk no later than 9 AM the day of the meeting. Once all accounts are set up, there will be no more using private e mail addresses for village business. It is understood that this may take time to transfer all information.

The expectation will be that the Clerk will e mail you the appropriate paperwork at least one week before the meeting for review.

If any person receives an e mail about a complaint, question, request, etc, the e-mail will be forwarded to the clerk and the Mayor for review and to be addressed.

The I Pads are to be used for village business only. This includes E mails, Village website

**Additional download** will be the Zoning and codes book, Comprehensive Plan

All correspondence between the village and the trustees. Mayor, chairperson will be through the I Pad.

**Uses not allowed** on the I Pad: Personal e mails, personal Facebook pages

### **Procedure**

Sign out I Pad, charger, cover and scribe. If it is lost or stolen, it will be your responsibility to purchase a replacement. When you are no longer in the village position, you will need to return it to the Village.

If any person has difficulties with the equipment, they will contact the Clerk or Mayor immediately so it can be addressed.

Any questions and or concerns with this policy or procedure should be addressed to the Village Clerk or the Mayor

**Village of Wampsville  
Emergency Management Plan  
May 30, 2005**

**Responsibilities, Powers, and Succession:**

- I. The Mayor is ultimately responsible for the Village emergency response activities, and:**
  - a. may assume personal oversight of the Village emergency response if the scope and magnitude of the emergency indicates the necessity of personal management and direction of the response and recovery operations.
  - b. controls the use of all Village owned resources and facilities for disaster response.
  - c. may declare a state of emergency within the appropriate jurisdiction after consultation with Town of Lenox, and/or Madison County, and/or State of New York.
  - d. may disseminate emergency orders and waive local laws, ordinances, and regulations.
  - e. may request assistance from: other Villages, surrounding fire departments, the Town of Lenox, the County of Madison, or the State of New York when it appears that the incident will escalate beyond the capability of Village resources.
  - f. may provide assistance to others at the request of other local governments both within and outside the limits of the Village of Wampsville.
- II. In the event of the unavailability of the Mayor, the following line of command and succession has been established by the Village Board of Trustees to ensure continuity of government and the direction of emergency operations:**
  - a. The Deputy Mayor
  - b. The Fire Chief of the Wampsville Fire Department

## **Advance Approval of Claims**

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

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

**WHEREAS, the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the board of trustees disallows.**

### **NOW THEREFORE BE IT RESOLVED:**

**Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows.**

**Section 2. That this resolution is effective immediately.**

## **Designating Depositories**

**WHEREAS, the board of trustees has determined that Village Law ss 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies;**

**NOW THEREFORE BE IT RESOLVED:**

**Section 1. That the board of trustees designates Community Bank NA and NBT Bank as depository of all moneys received by the village treasurer, clerk and receiver of taxes.**

**Section 2. That this resolution is effective immediately.**

## **Mileage Allowance**

**WHEREAS, the board of trustees has determined to pay a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties;**

**NOW THEREFORE BE IT RESOLVED**

**Section 1. That the board of trustees will approve reimbursement to such officers and employees at the current NYS rate per mile.**

**Section 2. That this resolution is effective immediately.**

## **Attendance at Schools and Conferences**

**WHEREAS, there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State Conference of Mayors and Fall Training School for fiscal Officers and Municipal Clerks; c) the New York State Conference of Mayors Public Works School;; d) the following county association meetings; etc; and**

**WHEREAS, attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality;**

**NOW THEREFORE BE IT RESOLVED:**

**Section 1. That the following officers and employees are authorized to attend the NYCOM Annual Meeting, NYCOM Fall Training School and NYCOM Public Works School.**

**Section 2. That this resolution is effective immediately.**