

## TOWN OF BABYLON RULES AND REGULATIONS

It is the responsibility of each employee to know and comply with these rules which are intended to serve as a guide in your daily actions. Employees may be subject to disciplinary action resulting in a fine, suspension, demotion or termination if they are in violation of any rule or regulation.

1. An employee being out of his/her department and/or away from his/her assigned work area or duty for other than authorized work during working hours unless permission is given by his/her Forman or Supervisor.
2. An employee playing games or participating in hobbies or crafts of any kind during working hours.
3. An employee guilty of excessive lateness or absenteeism.
4. An employee making rework due to his/her carelessness or negligence.
5. An employee failing to follow posted time clock procedures.
6. An employee congregating during working hours without authorization for other than work purposes.
7. An employee soliciting during working hours.
8. An employee using Town telephones, vehicles, or property for other than authorized work proposed during working hours.
9. An employee violating safety rules in a manner to cause harm or injury to himself/herself or his/her coworkers.
10. An employee conducting himself/herself in a manner unbecoming a Town of Babylon employee.
11. An employee failing to comply with departmental procedures in reporting any accident that results in personal injury and/or property damage, however slight (Inclusive to injury to employee compensation claim) shall be reported in writing to the employee's supervisor.
12. An employee being insubordinate, refusing to obey an authorized order to perform his/her job.
13. An employee abusing or maliciously destroying Town property.
14. An employee restricting, encouraging or sponsoring the restriction of production.
15. An employee being impaired in the performance of his/her duties by intoxicants, drugs, and or loss, suspension, revocation or termination of his/her qualifying license.
16. An employee fighting during working hours or any intentional act which inflicts bodily harm or injury on himself/herself or another during working hours.
17. An employee intentionally falsifying Town records.
18. An employee stealing.
19. An unauthorized employee carrying a dangerous firearm or weapon during working hours.
20. An employee acting in an immoral manner during working hours.
21. An employee sleeping during scheduled working hours.
22. Violation of Federal Communication Commission Rules and Regulations governing mobile radios.

**RESOLUTION NO. 508 JULY 17, 2007**  
**ADOPTING TOWN OF BABYLON WORKPLACE VIOLENCE POLICY &**  
**PROCEDURES**

The following resolution was offered by Councilwoman Gordon  
and seconded by Councilwoman McVeety:

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Town  
of Babylon Workplace Violence Policy & Procedures, on the attached Schedule "A", is hereby  
adopted for the Town of Babylon.

VOTES: 3      YEAS: 3      NAYS: 0

The resolution was thereupon declared duly adopted.

## **SCHEDULE "A"**

### **TOWN OF BABYLON**

#### **WORKPLACE VIOLENCE POLICY & PROCEDURES**

The Town of Babylon has a long-standing commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All employees of the Town of Babylon are expected to maintain a working environment free from violence, threats of harassment, violence, intimidation or coercion. While these behaviors are not prevalent at the Town, no organization is immune.

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

#### **POLICY**

The Town of Babylon prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Town property and are subject to disciplinary and/or personnel 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. Complaints of sexual harassment are covered under the Town of Babylon Policy against Sexual Harassment.

The Town of Babylon, 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).

#### **SCOPE**

All employees, members of the public, vendors, contractors, consultants, and others who do business with the Town of Babylon, whether at a Town facility or off-site location where 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 supervisor immediately.

#### **DEFINITIONS**

1. Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates other, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the work environment, or the Town's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- A. 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).
- B. Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
- C. 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.
- D. Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No one within the Town of Babylon shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to Town property without specific written authorization from the Supervisor regardless of whether the individual possesses a valid permit to carry the firearm or weapon.

#### REPORTING OF INCIDENTS

1. General Reporting Responsibilities – Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by an employee of the Town of Babylon. Workplace violence should promptly be reported to the appropriate Administrator (see below). Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is important that all employees of the Town take this responsibility seriously to effectively maintain a safe working and learning environment.
2. Imminent of Actual Violence – Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call their supervisor immediately, or call 911.
3. Acts of Violence Not Involving Weapons or Injuries to Persons – Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective law enforcement agency. The law enforcement agency will work with the Town on an appropriate response.
4. Commission of a Crime – All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.
5. False Reports – Employees of the Town of Babylon who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous,

are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

6. Incident Reports – The Town of Babylon will report incidents of workplace violence consistent with the Town’s Policies for Incident Reporting.

### RESPONSIBILITIES

1. Supervisor – The Supervisor shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all Town 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. Safety Coordinator – The Safety Coordinator is responsible for responding to, intervening, and documenting all incidents of violence in the workplace. The Safety Coordinator will maintain an internal tracking system of all threats and incidents of violence.

The Safety Coordinator is responsible for assisting the Law Enforcement Agency and supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the Law Enforcement Agency of workplace violence incidents reported to that office; and consulting with, as necessary, counseling services to secure professional intervention.

The Safety Coordinator is responsible for providing new employees with a copy of this Workplace Violence Policy and Procedures and insuring that employees receive appropriate training. The Safety Coordinator will also be responsible for annually disseminating this policy to all employees.

3. Supervisor/Department Head – Each, Supervisor/Department Head or other person with supervisory responsibility is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors/Department Heads must report to the Safety Coordinator 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/Department Heads 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 or incident to the Safety Coordinator and immediate supervisor, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Supervisors/Department Heads are required to contact the Law Enforcement Agency immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

4. Employees – Employees must report workplace violence, as defined above, to their supervisor. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's Supervisor/Department Head should be brought to the attention of the immediate Supervisor/Department Head.

Employees who have obtained Orders of Protection are expected to notify their supervisors and the Safety Coordinator/Law Enforcement Agency of any orders that list Town Locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encourage to notify their supervisor, or the Safety Coordinator/Law Enforcement Agency. Confidentiality will be maintained to the extent possible.

Upon hiring, and annually thereafter, employees will receive copies of this policy. Additionally, the policy will be posted in the Town Hall and be placed on the Town's website, as appropriate.

#### **EDUCATION**

Supervisors/Department Heads are 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. Additionally, annual training will be provided.

#### **CONFIDENTIALITY**

The Town of Babylon shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town of Babylon will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of employees of the Town would be served by such action.

#### **RETALIATION**

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is in violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.



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New York State  
Municipal Workers'  
Compensation  
Alliance

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## Conflict Resolution Skills



- Conflict and disagreements are a part of life
- Conflict can escalate
- An open and honest environment encourages a sense of safety & support
- Violence is a major health hazard

### “The A – E- I – O – U Communication Model”

**A – ASSUME** the other person means well. Identify his or her positive intention & state it to the other person.

**E – EXPRESS** your feelings. Affirm the positive intention you have identified & express your own specific concern.

**I – IDENTIFY** the desired outcome. Non-defensively propose the changes you would like to see occur. Saying, “I would like”, as opposed to, “I want”, will avoid inciting a defensive reaction.

**O – State the OUTCOME** you expect. There are both positive and negative outcomes possible, but emphasize the positive expectations for both of you. Emphasize the advantages of the outcome of the other person. People respond much more positively when they can buy into the reason for changing their actions or behavior.

**U – Ask for UNDERSTANDING** on a mutual basis. Asking, “Could we agree to this for a while and see if it works out for both of us?” gives the other person the option to accept your proposal. You should be ready to consider options if your proposal is not accepted.

- Anticipate the other person’s reactions.
- Identify where you think the greatest point of resistance will be. What can you do to overcome it without causing greater conflict?
- Decide when will be the best time to approach the other person.
- Be sure to establish what is “in it” for him when preparing your approach.
- Be respectful of the other person so they do not feel they are being personally attacked.
- Be fair and keep an open mind.
- Listen, listen, and listen. Do not interrupt when the other person is talking.

## Five Warning Signs of Escalating Behavior

Warning Signs	Possible Responses
<b>Confusion</b>	
Behavior characterized by bewilderment or distraction. Unsure or uncertain of the next course of action.	<ul style="list-style-type: none"> <li>⇒ Listen to their concerns.</li> <li>⇒ Ask clarifying questions.</li> <li>⇒ Give them factual information.</li> </ul>
<b>Frustration</b>	
Behavior characterized by reaction or resistance to information. Impatience. Feeling a sense of defeat in the attempt of accomplishment. May try to bait you.	<ul style="list-style-type: none"> <li>⇒ See steps above.</li> <li>⇒ Relocate to quiet location or setting.</li> <li>⇒ Reassure them.</li> <li>⇒ Make a sincere attempt to clarify concerns.</li> </ul>
<b>Blame</b>	
Placing responsibility for problems on everyone else. Accusing or holding you responsible. Finding fault or error with the action of others. They may place blame directly on you. <b>Crossing over to potentially hazardous behavior.</b>	<ul style="list-style-type: none"> <li>⇒ See steps above.</li> <li>⇒ Disengage and bring second party into the discussion.</li> <li>⇒ Use teamwork approach.</li> <li>⇒ Draw client back to facts.</li> <li>⇒ Use probing questions.</li> <li>⇒ Create "Yes" momentum.</li> </ul>
<b>Anger – Judgment call required</b>	
Characterized by a visible change in body posture and disposition. Actions include pounding fists, pointing fingers, shouting or screaming. <b>This signals very risky behavior.</b>	<ul style="list-style-type: none"> <li>⇒ Utilize venting techniques.</li> <li>⇒ Don't offer solutions.</li> <li>⇒ Don't argue with comments made.</li> <li>⇒ Prepare to evacuate or isolate.</li> <li>⇒ Contact supervisor and/or security office.</li> </ul>
<b>Hostility – Judgment call required</b>	
Physical actions or threats which appear imminent. Acts of physical harm or property damage. Out-of-control behavior signals they have crossed over the line.	<ul style="list-style-type: none"> <li>⇒ Disengage and evacuate.</li> <li>⇒ Attempt to isolate person if it can be done safely.</li> <li>⇒ Alert supervisor and contact security office immediately.</li> </ul>



## Personal Conduct to Minimize Vi

Follow these suggestions in your daily interactions with people to de-escalate potentially violent situations. If at any time a person's behavior starts to escalate beyond your comfort zone, disengage.

Do	Do Not
<ul style="list-style-type: none"> <li>❑ Project calmness, move and speak slowly, quietly and confidently.</li> <li>❑ Be an empathetic listener: Encourage the person to talk and listen patiently.</li> <li>❑ Focus your attention on the other person to let them know you are interested in what they have to say.</li> <li>❑ Maintain a relaxed yet attentive posture and position yourself at a right angle rather than directly in front of the other person.</li> <li>❑ Acknowledge the person's feelings. Indicate that you can see he/she is upset.</li> <li>❑ Ask for small, specific favors such as asking the person to move to a quieter area.</li> <li>❑ Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any violent behavior.</li> <li>❑ Use delaying tactics which will give the person time to calm down. For example, offer a drink of water (in a disposable cup).</li> <li>❑ Be reassuring and point out choices. Break big problems into smaller, more manageable problems.</li> <li>❑ Accept criticism in a positive way. When a complaint might be true, use statements like "You are probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.</li> <li>❑ Ask for his/her recommendations. Repeat back to him/her what you feel he/she is requesting of you.</li> <li>❑ Arrange yourself so that a visitor cannot block your access to an exit.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Use styles of communication which generate hostility such as apathy, brush off, coldness, condescension, robotism, going strictly by the rules or giving the run-around.</li> <li>❑ Reject all of a client's demands from the start.</li> <li>❑ Pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms. Avoid any physical contact, finger pointing or long periods of fixed eye contact.</li> <li>❑ Make sudden movements which can be seen as threatening. Notice the tone, volume and rate of your speech.</li> <li>❑ Challenge, threaten, or dare the individual. Never belittle the person or make him/her feel foolish.</li> <li>❑ Criticize or act impatiently toward the agitated individual.</li> <li>❑ Attempt to bargain with a threatening individual.</li> <li>❑ Try to make the situation seem less serious than it is.</li> <li>❑ Make false statements or promises you cannot keep.</li> <li>❑ Try to impart a lot of technical or complicated information when emotions are high.</li> <li>❑ Take sides or agree with distortions.</li> <li>❑ Invade the individual's personal space. Make sure there is a space of three feet to six feet between you and the person.</li> </ul>

*\*From Combating Workplace Violence: Guidelines for Employers and Law Enforcement. International Association of Chiefs of Police, 1996.*

**RESOLUTION NO. 345 APRIL 25, 2018  
AMENDING THE TOWN OF BABYLON POLICY PROHIBITING HARASSMENT AND  
DISCRIMINATION IN THE WORKPLACE**

The following resolution was offered by Councilman Manetta  
and seconded by Councilwoman Gordon

BE IT RESOLVED, by the Town Board of the Town of Babylon that the current Town policy prohibiting harassment and discrimination in the workplace shall be known as the Equal Employment Opportunity Policy and is adopted as follows:

**EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**I. PURPOSE**

The Town of Babylon Equal Employment Opportunity Policy is adopted in order to ensure that all Employees are informed of the Town's policy on discrimination, harassment and retaliation, to assist Employees who complain of prohibited conduct and to maintain in each office a working environment free from discrimination.

**II. DEFINITION**

Employee: For the purposes of this Policy, an Employee is defined as an individual employed by the Town of Babylon, on or off duty, while on Town property or occupying a vehicle under the jurisdiction of the Town of Babylon or while being paid for services performed on behalf of the Town of Babylon.

**III. ANTI-DISCRIMINATION POLICY**

The Town of Babylon is an equal opportunity employer and is committed to making all employment decisions and conducting all business without regard to age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.

**IV. ANTI-HARASSMENT POLICY**

It is the policy of the Town of Babylon that all Employees, applicants and anyone with whom the Town does business, should be able to enjoy a work environment free from any kind of harassment based on age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.

**Sexual Harassment:**

The Equal Employment Opportunity Commission defines sexual harassment as:

*Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.*

Sexual harassment can occur in a variety of circumstances. The following is a partial list of examples of sexually harassing conduct:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct such as leering; making sexual gestures; or displaying sexually suggestive or degrading objects, pictures, cartoons, posters, or computer or television broadcasts;
- Verbal conduct such as making or using derogatory comments; sexual propositions, sexually explicit jokes or jokes concerning gender-specific traits; sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; sexually degrading words to describe an individual
- Physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful, whether it involves co-worker harassment, harassment by a supervisor or member of management, or harassment by persons doing business with or for the Town.

## **V. OTHER INDIVIDUALS**

It must be noted that sexual harassment or any other form of discrimination by an on-duty Employee toward another individual not a Town of Babylon Employee, is guilty of sexual harassment or discrimination under the provisions of this policy when such conduct is made either explicitly or implicitly as a term or condition of an individual's application for a grant of approval or information, or is used as a basis for a decision affecting and individual's application for a grant or approval of information.

## **VI. COMPLAINT PROCEDURE**

Any Employee or other individuals who believes that he or she has been the subject of harassment or of any form of discrimination should report the alleged charge immediately in accordance with the following procedures. To the extent practical and appropriate, complaints of harassment or discrimination and the subsequent investigations will be treated as discreetly as possible. All investigations will be promptly handled, and designed to protect the privacy of, and minimize suspicion toward, all parties concerned. Employee cooperation in investigations is viewed as a condition of employment. Refusal or failure to cooperate with any aspect of this policy may result in disciplinary action, up to and including termination of employment.

### **Step 1. Employee Complaint:**

Any Employee who believes he or she has been the victim of discriminatory conduct or harassment is to report such conduct to his or her supervisor. The Employee can report the incident verbally or in written form. The supervisor will then refer the matter to the Town Attorney for investigation.

**Step 1a. Other individual Complaint:**

Any individual who conducts business with the Town and believe that he or she has been the victim of discriminatory conduct or harassment may report such conduct to the Town Attorney in writing.

Step 2. The Town Attorney will immediately initiate and coordinate a thorough and impartial investigation of the alleged discriminatory or harassing conduct. The Employee who is accused of the discriminatory or harassing conduct will be apprised of the allegations and will be given the opportunity to contest the same.

Step 3. If the investigation reveals that discriminatory or harassing conduct may have occurred, the facts shall be presented to the commissioner of the accused Employee with a recommendation of the appropriate disciplinary action to be imposed, if any, which may include termination of employment. False accusations made by the complaining Employee may result in appropriate disciplinary action up to and including termination of employment.

*Retaliation of any kind against a complaining Employee or other individual who makes a good-faith report of harassment or discrimination or who participates truthfully in an investigation into an harassment or discrimination complaint is strictly prohibited and any Employee deemed to participate in retaliation may be subject to strict discipline.*

**VII. DISCIPLINARY ACTION**

Conduct which is found to violate this policy will be regarded as a serious breach of Town Policy which will result in immediate disciplinary action up and including termination of employment.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.


# Town of Babylon

200 E. Sunrise Highway  
Lindenhurst, New York 11757-2597  
(631) 957-3000



**RICH SCHAFFER**  
SUPERVISOR

February 19, 2013

To: All Employees  
From: Victoria Marotta, Town Comptroller   
Subject: Use of Cell Phones Reminder

Cell phone use is prohibited in the work place. Of course in an emergency an employee may utilize one, but employees are not to "Chat" or "Text" during their scheduled working hours. Therefore, please turn off your cell phones while at work.

Thank you for your cooperation in this matter.

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Antonio A. Martinez  
Councilman  
Deputy Supervisor

Thomas Donnelly  
Councilman

Jaqueline A. Gordon  
Councilwoman

Lindsay Patrick Henry  
Councilman

Corinne DiSenna  
Receiver of Taxes

Carol A. Quirk  
Town Clerk

## Town of Babylon

### Fleet Vehicle Anti-Idling Policy

#### I. Overview

All vehicles idling wastes fuel, damages engines, and adversely effects air quality. As fuel and maintenance costs have escalated, we can no longer afford not to address the issues associated with unnecessary idling of town vehicles. What we do know about the effects of idling are as follows:

- For every two minutes a vehicle idles, it uses the same amount of fuel it takes to go about one mile.
- Idling for one hour burns nearly one gallon of gas.
- Ten seconds of idling uses more fuel than turning off the engine and restarting.
- Excessive idling can damage the engine components.
- Idling results in excess greenhouse gas and criteria air pollutant emissions.
- Idling is linked to increases in asthma, allergies, heart and lung disease, and cancer.

Idling gets ZERO miles per gallon.

#### II. Definition

**Vehicle Idling-** operation of any motor vehicle or equipment while that vehicle is stationary.

**Vehicle Idle Time-** the time in which any vehicle, while stationary, with the ignition switch (key) in the position of "ON".

#### III. Policy

Effective immediately, it is the policy of the Town of Babylon that town fleet vehicles will not be stationary, with the motor operating with the ignition key (switch) in the "ON" position for more than five (5) minutes at a time (as per NYS Title 6 NYCRR, Subpart 217-9) unless there is an exception as specified in Article IV below. No vehicle is to be stationary at any time with the ignition in the "ON" position without the motor running. When engines must be left operating, for any reason, the operator will remain with vehicle.(includes warm up)

This Anti-Idling Policy applies to all Town of Babylon owned vehicles and equipment.

#### IV. Exceptions

This policy does not apply to the following vehicles or in the following situations:

1. Where engine power is necessary for an associated power such as, but not limited to, electrical or pressure generation, inverter or tool use, lift gate or boom operation.
2. Emergency vehicles and equipment while engaged in operational activities, responding to emergency situations, or performing an activity directly related to a public safety function.
3. Vehicles that must be kept at an appropriate temperature for the health and safety of occupants being transported (Senior Citizens, Handicap Individuals).
4. Vehicles and equipment that are being serviced or repaired and requires longer idling periods.

Vehicle Idle Time is monitored on a daily basis and generates reports with cumulative totals with regards to idle time each day for all town vehicles.

## TOWN OF BABYLON VEHICLE USAGE POLICY

Town vehicles will be issued to employees who require a vehicle for the ordinary and necessary performance of their job functions. The Chief of Staff will assign a Town vehicle based on the recommendation of the employee's Department Head. Following is the criteria that shall be used to determine eligibility for Town vehicle use. Other factors may apply.

1. Officially designated on call status.
2. Requirement for frequent emergency availability.
3. Emergency or other specialized equipment contained in the vehicle.

### ELIGIBLE OPERATORS

Only Town employees, elected officials and employees of organizations under contract to the Town of Babylon are authorized to operate Town vehicles or equipment. A driver of any Town vehicle must be of the age of eighteen years and maintain a valid New York State driver's license.

An employee whose license is revoked for any reason, whether it is temporary or permanent, must immediately notify his Department Head of such loss and may not drive a Town vehicle until his/her license is restored.

### AUTHORIZED PASSENGERS ONLY

Only authorized passengers may be transported in Town vehicles. This includes other Town employees, elected officials, officials from other agencies, employees of other governmental agencies and employees of organizations under contract to the Town of Babylon. The only exception to this policy would be the transportation of a person in a bona fide emergency.

A bona fide emergency would include a safety or health issue of a person needing immediate transportation to a hospital and does not have means of conveyance; which without, the person would suffer serious health consequences or injuries. In such an emergency the responding employee must report the incident to his department head as soon as possible.

### TOWN VEHICLE USAGE

1. All Town vehicles issued to Town employees are to be used for official Town business only. Personal use, or any other unauthorized use of Town vehicles is strictly prohibited and any violation of this policy will subject the employee to disciplinary charges.
2. All Town vehicles must be operated in a responsible manner and in accordance with New York State law. Any traffic violation resulting in a summons is the responsibility of the employee. The Town of Babylon shall not pay the cost of any such summons.
3. No driver or passenger shall smoke while operating or sitting in a Town vehicle.
4. Employees are to lock the doors of a Town vehicle when not in use.
5. A Town vehicle may not be used to transport cargo not related to Town business.
6. An employee may not remove or disable any device that has been installed in a Town vehicle, nor may any unauthorized device be added to a Town vehicle.
7. All motor vehicle accidents involving Town vehicles must be reported immediately to the Department Head or dispatcher.
8. An operator of a vehicle may not leave the vehicle unattended nor leave its engine on unless auxiliary engine power is required. Town of Babylon vehicles are equipped with GPS (Global Positioning System) which provides tracking capabilities and idle time monitoring. Refer to the Vehicle Idling section below.
9. The use of cellular phones/direct connect while driving is prohibited. If a cell phone/direct connect must be answered or a call must be made as a matter of business by the operator, he should pull over to the side of the road at the safest opportunity and stop the vehicle.

### VEHICLE USAGE TAXATION

#### Annual Leased Value (ALV) Rate

Employees who are assigned vehicles that are utilized for commuting purposes shall be taxed under the Annual Leased Value method as provided in IRS Publication 15-B, Employers Tax Guide to Fringe Benefits. The rates of taxation as set forth in this policy shall take place immediately. The calculated dollar amount shall be applied to an employee's W2 as annual income.

**Employee Requirements:**

Each employee subject to the ALV method must maintain a Vehicle Usage Log, in which the following entries must be made:

- 1. Date of trip
- 2. Vehicle number
- 3. Business mileage
- 4. Personal mileage

These vehicle use records must be provided to the Personnel Department on a monthly basis. Any unsubstantiated mileage will be deemed to be personal mileage and will be taxed accordingly. In the event an employee does not complete a monthly vehicle use she the Town shall make an estimate of the number of miles the employee drove that month and apply that amount as personal mileage.

Any employee, who wishes to exempt him or herself from any tax liability whatsoever, may return their vehicle to the Town and their name shall be removed from the Quarterly Vehicle Report. It is expected that all employees who are assigned a Town vehicle shall comply with the contents of this policy and may be subject to disciplinary action and/or suffer the loss of their vehicle should they fail to do so.

**VEHICLE IDLING**

It is the policy of the Town of Babylon that Town vehicles will not be stationary, with the motor operating with the ignition key (switch) in the "ON" position for more than five (5) minutes at a time (as per NYS Title 6 NYCRR, Subpart 217-3) unless there is an exception as specified in Article IV below. When engines must be left operating, for any reason, the operator will remain with vehicle (Includes warm up)

**Exceptions:**

This policy does not apply to the following vehicles or in the following situations:

- 1. Where engine power is necessary for an associated power such as, but not limited to, electrical or pressure generation, inverter or tool use, lift gate or boom operation.
- 2. Emergency vehicles and equipment while engaged in operational activities, responding to emergency situations, or performing an activity directly related to a public safety function.
- 3. Vehicles that must be kept at an appropriate temperature for the health and safety of occupants being transported (Senior Citizens, Handicap Individuals).
- 4. Vehicles and equipment that are being serviced or repaired and requires longer idling periods.

Vehicle Idle Time is monitored and recorded on a daily basis

**BREAK TIME VEHICLE USE**

Time allowed for breaks and meals include any travel time to and from the place where the break is taken. If you are an employee working in the field, meal breaks must be taken within the designated time limit.

Town of Babylon vehicles are not to be used for the sole purpose of break or meal time unless it is an assigned vehicle that is utilized for commuting and the only means of daily transportation. Any exception to the above must come through respective Department Head with prior authorization.

It is expected that all employees who are assigned a Town vehicle shall comply with the contents of this policy and may be subject to disciplinary action and/or loss of the Town vehicle should they fail to do so.

AGREED TO AND ACCEPTED BY:

\_\_\_\_\_  
NAME (SIGN AND PRINT)

\_\_\_\_\_  
DATE





## Town of Babylon Citizen Bill of Rights and Responsibilities

In the interest of building solid partnerships between the Town of Babylon and citizens conducting business with the Town, this outline defines and describes the rights and responsibilities of the citizens when accessing services provided by the Town of Babylon and its governmental agencies, boards and departments.

### Town Citizens Have the Right to:

- **Courteous, respectful and professional treatment** by Town officials, staff, and Department and Board members with consideration given to your time and costs.
- **Consistent and equitable application of Town codes, laws and regulations.**
- **Efficient action by Departments and Boards** emphasizing clear communication, problem solving and achievement of results.
- **Assistance from Town officials, staff, and department and board members in finding solutions** to problems and the avoidance of delayed process and action.
- **Timely service** with an initial response to most inquiries or requests within two business days.
- **Accountability and responsibility** by the Town for its actions at all levels. If a request cannot be satisfied, you will be given a clear explanation why. If an error is made, the Town will acknowledge the mistake and work to correct it.
- **Express your concerns and feedback to the Town.** Your comments are appreciated and will be addressed respectfully and with the goal of fixing problems and improved governmental performance.

### Responsibilities of Town Citizens

To facilitate this Bill of Rights, foster open communication and obtain a high level of service, citizens accept certain responsibilities when dealing with Town departments, Boards and Commissions. These are:

- **Courteous and respectful treatment of Town officials, staff, and board members.**
- **Application and procurement of appropriate permits before the commencement of work on projects.**
- **Submission of accurate, clear, and concise plans and verbal descriptions of work proposed** at the beginning of the approval and permitting process.
- **Honest and accurate representation of their plans and projects.**
- **Timely communication of changes and/or modifications to existing plans and re-application for appropriate permits, if necessary.**
- **Ask questions** when you do not understand code requirements or staff communications. The Town encourages this and assures you that questions will be answered in a courteous, respectful and professional manner.
- **Adherence to all Town policies, codes and rules.**

All Town officials and staff, reserve the right to remove any citizen or guest from a Town facility if he/she exhibits behavior that is believed to be unsafe, inappropriate or violates Town policies or the within Bill of Rights and Responsibilities. Any user who elects to ignore staff requests regarding Town regulations will be subject to expulsion from the facility.

**RESOLUTION NO. 872 NOVEMBER 16, 2017**  
**ADOPTING THE TOWN OF BABYLON CONFIDENTIALITY POLICY AND AGREEMENT**

The following resolution was offered by Councilman Donnelly  
and seconded by Councilman Martinez

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Attorney, that the attached confidentiality policy and agreement at Schedule "A" regarding confidentiality is hereby adopted for the Town of Babylon.

VOTES: 4      YEAS: 4      NAYS: 0

The resolution was thereupon declared duly adopted.

**Town of Babylon Confidentiality Policy and Agreement**

**Confidentiality Policy:**

The Town of Babylon ("Town") is legally required to protect the confidentiality of all matters on behalf of the Town of Babylon, Town officials, employees, Town interests, agents, clients, constituents, etc. During the course of employment with the Town of Babylon, each employee will become aware of and have access to confidential, sensitive, copyrighted, patented, and privileged information. As such, it is required by each and every employee of the Town to maintain strict confidentiality of all information, both written and verbal, without exception. As a general rule, no confidential information, or information not generally available to the public, learned during the course of employment with the Town, shall intentionally be disseminated to anyone outside the Town of Babylon without prior authorization from the employee's supervisor. This duty of confidentiality continues even after a matter is resolved, or after you leave the employ of the Town of Babylon. Failure to protect the confidentiality of information accessed during employment with the Town is grounds for disciplinary action. Additionally, wrongful disclosure of confidential information may lead to criminal and civil penalties.

All email messages that are created, received or stored by a government agency are the property of the Town of Babylon; they are not the property of its employees or contractors. Email accounts are provided to employees for conducting public business. Employees should have no expectation of privacy when using the agency's computer resources.

**Records Retention and Disposal Schedules:**

New York law requires that all public records be listed on an approved retention and disposal schedule that identifies how long records must be kept, when they may be destroyed and when they can be sent to the Archives for permanent preservation. Please be advised that all Departments within the Town of Babylon are bound by the records retention policies in the Record Retention and Disposition Schedule MU-1, version 2003. Records covered by this law include email and instant messages. There is no single retention period for all email or instant messages. The retention period depends upon the content of the message, and the business process it supports. Unauthorized destruction of Town emails or records, whether electronic or manual, which were created, received or stored with the Town is grounds for disciplinary action.

Any questions about this policy should be directed to the Town Attorney. Please review, sign and date the Confidentiality Agreement stated below, retaining a copy for your records. Thank you for your anticipated cooperation.

**Confidentiality Agreement:**

As an employee of the Town of Babylon, I acknowledge that I have read the above Town Confidentiality Policy and Agreement regarding confidentiality of all Town business. I agree that I will not disclose information relating to the Town of Babylon, its business or its clients during my employment or after termination thereof, whether such termination be voluntary or involuntary. I understand that any breach of confidentiality will be grounds for disciplinary action.

\_\_\_\_\_  
Employee Sign and Print Name

\_\_\_\_\_  
Date