

RESOLUTION No. 51 - SEPTEMBER 1, 2020

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF
FLOWER HILL – ADMINISTRATION OF TRUSTEE KATE HIRSCH**

WHEREAS, on February 26, 2020 the Village of Flower Hill (“Village” or “Flower Hill”) received an official complaint filed by an employee (“employee one”) alleging, among other things that on that date Trustee Kate Hirsch engaged in conduct which harassed, demeaned and embarrassed the employee in the presence of other Village employees; created a hostile work environment by speaking to and about the employee in a derogatory manner; discriminated against the employee on the basis of a physical disability; made public allegations that the employee was engaged in illegal acts; and, threatened retaliation against the employee including potential loss of employment, and

WHEREAS, on March 3, 2020, the Village received a further complaint filed by another Village employee (“employee two”) relating to the events of February 26, 2020 which alleged that on that date Trustee Kate Hirsch was rude, dismissive and unprofessional in her interactions with the certain Village employees; created a hostile work environment; and, made discriminatory and insulting remarks about a religious faith, its beliefs and practices in the presence of several employees, and

WHEREAS, on May 20, 2020, “employee one” filed a second complaint alleging that on that date Trustee Kate Hirsch created a hostile work environment by again demeaning the employee, and

WHEREAS, in order to ensure that Flower Hill is at all times acting in a manner consistent with Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000E) and the Human Rights Law of the State of New York (Executive Law §296), the Village retained independent counsel to investigate these allegations by resolution approved during an Executive Session held during a duly convened meeting of the Board of Trustees on March 9, 2020, and

WHEREAS, in the course of this investigation, counsel interviewed each of the complainants, other individuals present at the time of the alleged incidents, and all relevant documents and available evidence relating to the complaints including a partial recording, and

WHEREAS, Trustee Kate Hirsch was afforded the opportunity to be interviewed in connection with the investigation but declined to participate both verbally and in writing, and

WHEREAS, Counsel has produced to the Village its report of this investigation (Report) which has been reviewed and considered by the Board of Trustees without the participation of Trustee Hirsch, and

WHEREAS, the evidence established the following facts:

- On February 26, 2020 at approximately 10:00 a.m. Trustee Hirsch entered the Village office seeking to file documents with a particular Village official.
- At this time Trustee Hirsch demanded to speak with the particular Village official and referred to the official utilizing a term which was intended to ridicule and demean the employee, with all of these communications taking place in a central area within the Village Office in the presence of staff members.

- The term used to describe the employee was heard and described by each of the employees of the Village present in the office during this time. Further, a recording made of the events of that day confirm Trustee Hirsch's use of the term when referring to the employee.
- Trustee Hirsch questioned the employee's competence and knowledge of the Village Code.
- Trustee ridiculed the employee's use of a calculator to perform certain mathematical calculations.
- The employee confirmed that neither prior nor after February 26, 2020 had Trustee Hirsch ever discriminated against the employee based upon this disability.
- While Trustee Hirsch has never specifically made any direct statement regarding her intentions if elected as mayor, her actions and comments placed the employee in fear that his/her future employment would be terminated.
- In May of this year after being advised that this same Village employee did not have any notes relating to a meeting with officials of a local hospital, Trustee Hirsch was condescending towards the employee and proceeded to laugh at him/her until the employee hung up the phone.
- On the same date of February 26, 2020, in the presence of a number of employees, upon observing ashes on the forehead of a Village employee, Trustee Hirsch made a comment in a manner insulting and demeaning of religious faith, beliefs and practices.

WHEREAS, although the behaviors of Trustee Hirsch were not found by the investigators to be sufficiently severe or pervasive to create actionable claims under Title VII or the New York State Human Rights Law the behaviors were nonetheless found to be inappropriate and unacceptable in the workplace, and

WHEREAS, the Board of Trustees has, upon complete review of the submitted Report and consideration of its obligations reached a determination that disciplinary actions are required as to Trustee Hirsch, and

WHEREAS, the Village is committed to ensuring that each and every employee is treated with respect and dignity and afforded a workplace free of the type of conduct which was found to have been exhibited, NOW, THEREFORE IT IS HEREBY,

RESOLVED AND FOUND, that the actions of Trustee Hirsch were highly inappropriate, unacceptable and cannot be tolerated in the workplace and the Board condemns, in the strongest terms the actions of Trustee Hirsch directed towards the employees in question, and it is further,

RESOLVED, that Trustee Hirsch is to be admonished for her unacceptable actions towards employees of the Village and is to be both reminded and directed that all Village employees and officials are to be treated with respect, consideration, understanding and the highest degree of professionalism, and it is further,

RESOLVED, that in order to ensure that conduct of this nature never again occurs, Trustee Hirsch is directed to review and comply with the Village's Non-Discrimination/Anti-Harassment Policy, and is to confirm in writing, within five (5) days of being provided with a copy of this policy, that she has done so, and it is further,

RESOLVED, that Trustee Hirsch is to be instructed that demeaning comments regarding religious faith, practices or beliefs are inappropriate in the workplace, that in the future if Trustee Hirsch has issues with an employee and his or her job performance, she should address these issues with the employee in private, and that employees should never be demeaned or criticized in front of other Village employees, and it is further,

RESOLVED, that Trustee Hirsch is required to participate and satisfactorily complete a anti-discrimination/ anti-harassment training course as designated by the Board, and it is further,

RESOLVED, that a letter confirming the within and the directions commensurate with the same is to be provided to Trustee Hirsch with the direction that she sign and deliver a copy of the letter to the Village acknowledging receipt, and it is further,

RESOLVED, that a copy of the letter described above shall be attached as an Exhibit to the within Resolution, and shall be deemed a part of the same.

Dated: September 1, 2020

The Vote on the foregoing was as follows:

Trustee Genese	Aye
Trustee Beber	Aye
Trustee Lewandowski	Aye
Trustee Collins	Aye
Trustee Hirsch	Nay
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye