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SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy shall be March 28, 2019. The Municipality Village of Homer shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. This Policy shall be distributed in March 1 of each year. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as the Municipality's Policy Book that is available at the Village's Treasurer's Office.

Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace the following prior Municipality and all individual department policies and regulations regarding employee discrimination and harassment

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

From: Tanya DiGennaro
Subject: Receipt of Municipality's Policy Against Discrimination and Harassment

The Municipality is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subjected to harassment or discrimination in the workplace. It is the Municipality's policy to provide a workplace environment free from harassment and discriminatory practices.

The Municipality has adopted and disseminated a revised Policy Against Discrimination and Harassment. Please sign the attached acknowledgement that you have received a copy of the revised Policy, have reviewed it, and have been afforded an opportunity to ask a Municipality Compliance Officer any questions you may have regarding the Policy. Return the signed acknowledgement to [insert name and location].

Thank you for your assistance in this matter. If you have any further questions regarding this Policy, feel free to contact Tanya DiGennaro, Mayor Hal McCabe, or Patrick Clune

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

I, _____, have received the Municipality's Policy Against
Discrimination and Harassment. I have reviewed this Policy, and I have had the
opportunity to ask questions regarding the Policy.

Signature of Employee/Volunteer

Date

Village of Homer
COMPLAINT FORM

In order to assist Village of Homer in investigating your allegations of harassment, discrimination or retaliation in a prompt and thorough fashion, please complete this form to the best of your abilities and with as much detail as you are able. Once completed, please submit this form to a Municipal Compliance Officer identified in Section 11 of the Municipal Policy Against Discrimination and Harassment. If additional space is needed in order to respond to any question below, please attach additional pages as necessary and identify which question corresponds to the information set forth in the additional pages. Any questions regarding this form may be directed to a Municipal Compliance Officer. No individual will be retaliated against for filing a complaint.

Name of Complainant: _____ Date Submitted: _____

Job Title: _____

Address: _____

Home phone: _____ Cell: _____ Work: _____
(Please circle the number you'd prefer us to call)

Email: _____

Name of Victim (if different than Complainant): _____

Basis of this complaint (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Race/color | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Transgender status |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Genetic predisposition |
| <input type="checkbox"/> Sex/gender | <input type="checkbox"/> Military/veteran status |
| <input type="checkbox"/> Sexual harassment | <input type="checkbox"/> Citizenship |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Religion/Religious creed |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Domestic violence victim status |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Other/Not Sure |

If checked "Other/Not Sure," please briefly explain:

Time(s) and date(s) the incident(s) took place:

Name(s) and office address of the individual who allegedly engaged in the harassment, discrimination or retaliation. If more than one, list all.

Name: -----

Location: -----

Describe the incident(s) which occurred with as much detail as you are able, including why you believe the incident(s) constitutes harassment, discrimination or retaliation (please attach any documentation or evidence you believe is relevant to the incident):

Describe briefly what you would consider to be appropriate resolution of the conduct described above: (Please note that **Village of Homer** retains the sole discretion and authority to determine the appropriate disciplinary and/or corrective action to be taken with regard to meritorious complaints. This question should not be construed in any way to constitute a forfeiture of that discretion or authority.)

Identify all persons who witnessed the incident(s) described above:

_____	_____
_____	_____
_____	_____

Please identify any other persons you believe have knowledge important to the incident(s) in question, including his/her contact information and a brief description of the knowledge held by each person:

Have you filed a complaint or charge with a Federal, State, or Local Government agency related to the incident(s) identified above?

Yes _____ No _____
Has this incident or occurrence been previously reported to Village of Homer
[] Y [] N. If yes, when and to whom?

If the incident or occurrence has been previously reported, please describe the remedy,
outcome or resolution:

I swear or affirm that I have read the above complaint and that it is true to the best
of my knowledge, information and belief.

Complainant's Signature _____ Date _____

Received by:

Signature _____ Date _____
Print Name: _____

For Employer Use Only – To be Completed Upon Receipt

Recipient of Complaint (print): _____

Date, Time and Manner (e.g. personal delivery, mailbox, etc.) of Receipt: _____

Notes: _____

Village of Homer
WORK PLACE VIOLENCE PREVENTION POLICY/PROGRAM

Policy Statement: The Village of Homer is committed to promoting a safe and secure work environment for all its employees and volunteers. All Village of Homer employees and volunteers are expected to maintain a work environment free from violence, threats of harassment, intimidation, bullying or coercion. The purpose of this policy is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

Workplace violence is defined by the New York State Department of Labor, as any physical assault, threatening behavior, or verbal abuse occurring where the public employee performs any work-related duty in the course of his or her employment.

Such actions include but are not limited to:

- Causing physical injury to another person.
- Making threatening remarks, statements or expressions of intention to hurt, destroy, or punish.
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally and wrongfully damaging employer property or property of another employee.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Therefore, except as may be required as a condition of employment and/or as tools required for the performance of job duties:

- No employee shall bring into any work site any weapon or other dangerous instrument that might reasonably be used as a weapon.
- No employee shall use, attempt to use, or threaten to use any weapon or dangerous instrument in a work site.
- No employee shall cause or threaten to cause physical injury to any individual, or intentionally cause damage to property in a work site.
- No employee shall make threatening or bullying* remarks towards another person.

* Workplace Bullying is defined by the Workplace Bullying Institute as:
Repeated, health-harming mistreatment of one or more persons (targets) by one or more perpetrators that consists of one or more of the following:

- Verbal abuse; "verbal abuse" is a broad term that encompasses a wide array of actions. Affected individuals perceive verbal abuse differently. The effects are not the same for everyone and they are relative to the victim. By nature, verbal abuse is subject to personal interpretation and is difficult to neatly define. "Workplace Violence Prevention – CSEA."
- Accusatory, threatening, humiliating or offensive behavior or actions.
- Work interference – sabotage which prevents work from getting done.

Bullying at work means harassing, offending, socially excluding someone, or negatively affecting someone's work tasks. It usually occurs repeatedly and regularly over a period of time.

While bullying, yelling, tantrums, cursing at someone, sabotage, insults, intimidation, backstabbing, belittling, "icing," one upping, finger pointing, humiliation, offensive actions and the like are not illegal acts, they are not acceptable behaviors.

Types of Workplace Violence

1. Criminal intent – violent acts carried out for the purpose of committing a crime, like burglary.
2. Customer or client – violence directed at employees or volunteers by customers or clients.
3. Personal – violence committed by an individual who does not work at the business, but has a personal relationship with an employee or volunteer.
4. Co-worker – violence committed against employees by current or former employees or volunteers.

Scope of Policy

All Village of Homer employees, volunteers, vendors, contractors, consultants, and others who do business with the Village of Homer, whether in a Village of Homer facility or where official Village of Homer business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Village of Homer, such as former employees, volunteers, and visitors. When employees or volunteers have complaints about other employees or volunteers, they should contact their immediate supervisor. If the complaint involves their immediate supervisor, they should contact their department head. If supervisor and/or department head is unavailable the complaint should be routed to the Personnel Administrator, Village Clerk, or Mayor.

The Village of Homer prohibits workplace violence. Complaints involving workplace violence will be given the serious attention they deserve. Individuals who violate this policy may be removed from the Village of Homer property and employees and/or volunteers may be subject to disciplinary action up to and including termination, consistent with Village of Homer policies, and/or referral to law enforcement authorities for criminal prosecution. The Village of Homer at the request of an employee or volunteer, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or volunteer on the Village of Homer property unless necessary to transact Village of Homer related business. This policy particularly applies in cases where the employee or a volunteer suspects that an act of violence will result from an encounter with said individual(s).

Responsibilities

The Village of Homer establish a Risk Assessment Team, Workplace Violence Advisory Team, and a Workplace Violence Committee. The Risk Assessment Team will be comprised of the Personnel Administrator and the Village Clerk with participation of the authorized employee representatives. This team will be responsible for evaluating all worksites and continually monitoring them for potential workplace violence hazards. See Appendix A for a listing of Village of Homer worksites' identified risks and control factors.

The Workplace Violence Advisory Team will be comprised of the Personnel Administrator, Mayor and one Designated Trustee. The Workplace Violence Advisory Team will make changes to the policy/program as appropriate and be responsible for investigating reports of workplace violence incidents. Policy/program changes will be provided to the employees.

The Workplace Violence Committee includes members of the workplace Violence Advisory Team, Risk Assessment Team, authorized management and authorized employee.

Identified Risk Factors

The following factors have been identified as potentially placing employees at risk:

- Working in public settings
- Working late night or early morning hours
- Exchanging money with the public
- Working alone or in small numbers
- Working in a location with uncontrolled access to the public
- Working in areas of isolation and/or known security problems
- Working with clients or persons with a known history of violent behavior or behavior disorders

Prevention Control Measures

The following control measures have been put in place to eliminate or reduce the risk of workplace violence. These control measures may be amended from time to time as a result of continuing risk assessments. Each risk area has been evaluated and addressed according to the following:

- Engineering controls which eliminate or reduce the hazard through substitution or design of the physical environment
- Administrative or work practice controls which eliminate or reduce the hazard by changing Village of Homer policies or procedures
- Personal protective equipment which reduce the hazard through safety devices for the individual.

Reporting of Incidents

It is the responsibility of all employees and volunteers to report threatening behavior to their supervisor or department head immediately, if the supervisor and/or department head is unavailable the report should be made to the Personnel Administrator, Village Clerk, or Mayor. Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by

any Village of Homer employee or volunteer. Workplace violence should promptly be reported using the Workplace Violence Incident Report form at the end of this policy. Additionally, Village of Homer employees and volunteers are encouraged to report behavior that they reasonably believe poses a potential for workplace violence.

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately. 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. Employees or volunteers 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 law enforcement authorities as appropriate.

Administrative Procedures for Incident Reporting

1. The supervisor or department head to whom the employee or volunteer reports the threat will review the threat with that employee or volunteer and with any other appropriate staff.
2. The supervisor or department head will notify all appropriate personnel, including law enforcement, if necessary.
3. The supervisor or department head will complete the Workplace Violence Incident Report and forward it to the Personnel Administrator who will convene the Workplace Violence Advisory Team.

Incident Assessment

The assessment of the threat is an evaluation of the threat itself and of the threatener. Together, these evaluations can help lead to an informed judgment on whether someone who has made a threat is likely to carry it out – a determination that is described as differentiating between when someone is making a threat versus posing a threat. Someone posing a threat, is defined as someone who is engaging in inappropriate behavior, verbal or nonverbal communication, or expression that would lead to the reasonable belief that an act has occurred or may occur which may lead to physical and/or psychological harm to the threatened, to others, or property.

Timeliness of Reporting

It is the policy of the Village of Homer to investigate reports of workplace violence in a reasonable time period. Because there are limits to Village of Homer's ability to provide effective safeguards, primary responsibility for protecting against harm must remain with the threatened employee or volunteer through the exercise of vigilance, common sense and his/her rights to police protection as a citizen. Nothing in this procedure limits the threatened employee from exercising his/her legal rights to make additional arrangements for protections which do not impede his/her ability to perform his/her work duties.

Review

The Workplace Violence Incident reports will be maintained by the Personnel Administrator for use in the annual program review and updates with the Village of Homer's Workplace Violence Committee. The Workplace Violence Committee, which includes authorized employee

representatives, shall conduct a review of the Workplace Violence Incident Reports at least annually to identify trends

in the types of incidents in the workplace and review the effectiveness of mitigating actions taken.

Confidentiality

The Village of Homer shall maintain the confidentiality of investigations of workplace violence to the fullest extent possible. The Village of Homer 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 Village of Homer employees and volunteers would be served by such action

Employee Assistance Program (EAP)

The Village of Homer shall maintain an employee assistance program for all employees and volunteer firemen/ems personnel to utilize for counseling purposes. Victims of workplace violence will be offered and encouraged to use this program and may access it by contacting the Personnel Administrator.

Retaliation

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

Education

The Village of Homer is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. The Village of Homer Personnel Administrator, department heads and supervisors are responsible to assist in identifying available training opportunities, as well as other resources and tools, (such as reference materials detailing workplace violence warning signs) that can be incorporated into Village of Homer prevention materials for dissemination to Village of Homer employees and volunteers. Training topics will include the following:

- Requirements of the Workplace Violence regulation
- Details of the risk factors identified in the risk assessment
- How employees and volunteers can protect themselves, report threats and incidents
- Description and details of the Village of Homer's written Workplace Violence Prevention Program
- Training on dealing with potentially violent clients, coworkers, etc.
- Where to obtain a copy of the Village of Homer's Workplace Violence Prevention Policy/Program

All Village of Homer employees and volunteer firemen and ems personnel will receive workplace violence training during their new employee orientation and annually thereafter. It is the responsibility of the Personnel Administrator and department heads to ensure that all employees

receive this training.

Firearms & Weapons

Firearms and weapons of any kind are prohibited while on Village of Homer property; in Village of Homer-owned, leased, rental or personal vehicles while conducting Village of Homer business; at work sites, constituent locations, or any other location during working hours or while representing the Village of Homer. Exceptions are granted for those who are required to carry firearms or weapons in accordance with their job responsibilities and/or for anyone who, with proper licensing, has received the required approval to carry a firearm or weapon due to an extreme circumstance.

In order to obtain approval to be considered an exception, petitioner must provide proof of appropriate licensing and complete an *Application to Carry a Firearm/Weapon on Village of Homer*, except for those employees required to carry firearms or weapons in accordance with their job responsibilities.

If you see someone on/in Village of Homer property and you suspect they are carrying a firearm or weapon, you should report it to the Village of Homer Police Chief, or in charge officer, for immediate investigation.

Any staff member or volunteer found to be carrying a firearm/weapon on/in Village of Homer property without the required approval shall be subject to disciplinary action ranging from a verbal warning up to and including termination and/or legal action. Any client or visitor found to be carrying a firearm/weapon on/in Village of Homer property without the required approval may be asked to leave the property; repeated violations may result in further legal action.

Bomb Threat Protocol

In the event an employee or volunteer receives notice, by telephone or otherwise, of a bomb threat, the employee or volunteer shall immediately call 911 and notify their department head and/or supervisor.

Questions regarding the policy/program should be directed to the Personnel Administrator at 607-759-1984.

APPENDIX A
IDENTIFIED RISK FACTORS and CONTROL MEASURES FOR VILLAGE
OF HOMER WORKSITES

VILLAGE Office Building - All Departments (Clerk/Treasurer, Mayor, Trustees, Codes, Historian, and Recreation)

Identified Risk Factors	Control Measures
General public/client safety concerns; uncontrolled access during the day	Video camera surveillance inside and outside the building and by entrances is being reviewed.

Village of Homer Office Building - Treasurer's Office

Identified Risk Factors	Control Measures
Money Handling	Separated from public reception area by a counter. Money secured in safe and fireproof locking cabinets.

Village of Homer Building -Codes, Mayor, Historian and Recreation

Identified Risk Factors	Control Measures
Employees perform home visits to unknown clients.	Separate offices with locked doors. Filing cabinets are locked to prevent unauthorized access.

Village of Homer – Department of Public Works

Identified Risk Factors	Control Measures
General public/client safety concerns and unauthorized access.	Cameras are located at DPW site. Additional cameras are being reviewed for Compost Site and one on back of building 2. Buildings are locked to prevent unauthorized access. Fences are locked when the buildings are closed preventing access to mechanic's building and compost site. Signs direct people as to where to go- (lawn waste, brush, dirt, etc.).

Village of Homer - Water and Sewer Department

Identified Risk Factors	Control Measures
General public/client safety concerns and unauthorized access	Buildings are locked when not in use. Cameras are located at site.
Water Tanks- unauthorized access	Water pumps are locked and fenced in. Monitoring System reviews usage for issues.
Water Pumps- unauthorized access	Water pumps are locked and fenced in. Monitoring System reviews usage for issues.

Village of Homer- Police Building

Identified Risk Factors	Control Measures
Uncontrolled access during the day.	Cameras outside building.
Irate/unstable clients	Training in de-escalation techniques (Police Officers)

Village of Homer- Fire Department

Identified Risk Factors	Control Measures
Uncontrolled access during the day.	Cameras are located on building.

**VILLAGE OF HOMER
POLICY AGAINST DISCRIMINATION AND HARASSMENT**

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SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

SECTION 1: PURPOSE

The Village of Homer believes in the dignity of the individual and recognizes the rights of all people to equal employment and volunteer opportunities in the workplace. In this regard, the Village of Homer (hereinafter "Municipality"), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment or volunteers without being subject to harassment or discrimination in the workplace. It is our Municipality's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law.

- A. Scope of Policy This Policy applies to all Municipality employees, volunteers, and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, volunteer Fire Department members, vendors, consultants, volunteers or visitors. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on Municipality property as well as Municipality-sponsored events, programs, and activities that take place off Municipality premises.
- B. Policy Objectives By adopting and publishing this Policy, it is the intention of the Municipality's governing body to:
- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
 - (2) Inform employees about the complaint procedures established by the Municipality that enable any employee who believes they are the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
 - (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited; and
 - (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in Section II of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall

be posted.

SECTION 2. DEFINITIONS

"Prohibited Discrimination of Employees"

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a Municipality employee or official or a third party engaged in activities sponsored by the Municipality which is based upon the employee's protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee's employment opportunities and/or employment benefits. The phrase "prohibited discrimination" as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including "Sexual Harassment" as defined below.

"Harassment"

Harassment is strictly prohibited and includes, but is not limited to, conduct that is unwelcome and has the purpose or effect of unreasonably interfering with a person's work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

"Sexual Harassment"

Sexual harassment is strictly prohibited. It 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:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a

sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate sexual relationship or desire for the same.

Who can be the 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.

"Prohibited Behavior and Examples of Harassment, including Sexual Harassment"

Specific forms of behavior the Municipality considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- o **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping, continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome, unreasonably interfere with an employee's work performance, or create an intimidating, hostile or offensive work environment; or unwelcome advances or demands based on someone's protected characteristic.

Nonverbal: Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic, sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic.

Physical: Unwelcome physical conduct, including but not limited to hitting, pushing,

shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct

Other: Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, 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; or name-calling

Any employee who feels discriminated against or harassed should report that conduct so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

SECTION 3: POLICY

The Municipality prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Municipality will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns about discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, or for opposing in good faith any practices forbidden by applicable anti-discrimination laws or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws, shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in

Section 11 of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in Section 11 of this Policy.

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. Notification Procedure

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in Section 11 of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or a Compliance Officer listed in Section 11 of this Policy, or another administrator.

2. Making a Complaint

Complaints are accepted orally and in writing. All employees are encouraged to use the Municipality's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked, or from the Municipality's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Municipality encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from any one of the Compliance Officers or the supervisor to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the Municipality's Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Municipality's Compliance Officers.

Complainants are expected to cooperate with the Municipality's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

3. **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior, or have any reason to suspect that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Municipality's Compliance Officers.

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

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

B. **Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

C. **Confidentiality and Privacy**

The Municipality shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the Municipality may be required by law to contact and cooperate with the appropriate law enforcement authorities.

D. **Acknowledgement of Complaint**

Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

SECTION 5: **INVESTIGATION PROCEDURES**

A. **Timing of Investigations**

The Municipality will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The Municipality will also attempt to

complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

B. Method of Investigation

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by Municipality Compliance Officers, Municipality's legal counsel, and/or other impartial persons designated by the Municipality. The primary purposes of all investigations under this Policy will be to determine:

- o Did the conduct complained of occur;
- o Did the conduct complained of violate this Policy; and
- o What remedial measures or preventative steps, if any, shall be taken.

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation; depositions; and observations or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employee or agent conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- o A list of all documents reviewed, along with a detailed summary of relevant documents;
- o A list of names of those interviewed, along with a detailed summary of their statements;
- o A timeline of events;
- o A summary of prior relevant incidents, reported or unreported; and
- o The basis for the decision and final resolution of the complaint, together with any remedial actions.

C. Notification to Complaining Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party.

D. Remedial Measures

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited

discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from Municipality property.

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours).

Retaliation against anyone for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws is strictly prohibited by this Policy and by law.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she 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 or discrimination.

Complaints of retaliation should be brought directly to a Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

SECTION 7: APPEALS

Any complainant or accused party who wishes to appeal the conclusion which the Municipality reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Municipality's governing body. The appealing party shall be entitled to present evidence in

writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The Municipality's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Municipality's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to, in any way, confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Municipality's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Municipality at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

SECTION 8: RECORD KEEPING

The Municipality shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Municipality shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Municipality shall also maintain these documents for, at a minimum, three years.

The Municipality's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the Municipality but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with the governmental entities referenced in the following laws. 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 harassment based on other protected characteristics set forth in this Policy, 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 harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Municipality does not extend your time to file with DHR or in court. The one year or three years is counted from the 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 or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal 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 (in sex discrimination and sexual harassment cases only) 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.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information 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 discrimination or 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, 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 or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

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

SECTION 10: QUESTIONS

Any questions by employees of the Municipality about this Policy or potential harassment or discrimination should be brought to the attention of one of the Municipality's Compliance Officers. The names, addresses, and telephone numbers of the Municipality's Compliance Officers are listed in *Section 11* of this Policy.

SECTION 11: COMPLIANCE OFFICERS

Name:	Mayor Hal McCabe
Address:	31 North Main Street, Homer, NY 13077
Telephone Number:	607-759-3322 or 607-345-7174
Email:	Mayor@homemy.org
Name 2:	Patrick Clune
Address:	31 North Main Street, Homer, NY 13077