

TIOGA COUNTY, NEW YORK

# Office of the County Attorney

Ronald E. Dougherty County Office Building 56 Main Street Owego, NY 13827

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 [www.TiogaCountyNY.com](http://www.TiogaCountyNY.com)



## FINANCE, LEGAL & SAFETY COMMITTEE

June 09, 2026

10:30 A.M.

- APPROVAL OF MINUTES: May 12, 2026
- FINANCIAL
  - Safety
  - Law
- OLD BUSINESS
  - Litigation and Claims
  - Ethics Board Appointment
  - Gender-Based Violence and the Workplace Policy
- NEW BUSINESS
  - N/A
- PERSONNEL
  - 3<sup>rd</sup> Assistant County Attorney Vacancy
- RESOLUTIONS
  - APPOINT MEMBER TO BOARD OF ETHICS
  - AMEND EMPLOYEE HANDBOOK: SECTION IV. PERSONNEL RULES; ADD SUBSECTION U. GENDER-BASED VIOLENCE AND THE WORKPLACE POLICY
- PROCLAMATIONS
  - N/A
- EXECUTIVE SESSION
  -
- ADJOURNMENT

**DRAFT**

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### FINANCE, LEGAL AND SAFETY COMMITTEE

May 12, 2026

10:30 A.M.

#### ATTENDANCE:

Legislators: Chair Monell, Ciotoli, Standinger, Aronstam, Rose, Cantella, Bunce, Brown

Staff: Legislative Clerk Haskell, County Attorney DeWind, Accounting Associate Nickels, Chief Accountant Schurter, Safety Officer Holbrook, Personnel Officer Parke, County Administrator Bailey, Treasurer Roberts, ILS Administrator Graven, Paralegal Humes, Public Health Administrator McCann.

Guest(s): N/A

**APPROVAL OF THE MINUTES:** Legislator Bunce asked for a motion to approve the April 14, 2026, minutes. Legislator Ciotoli made the motion seconded by Legislator Rose and was unanimously carried.

**FINANCIAL:** Safety and Legal's budget are tracking well.

#### OLD BUSINESS:

- **Litigation and Claims:** One new claim has been received regarding a Child Protection Services report. NYMIR has accepted this claim, and they have assigned Long Law to represent the County.
- **Ethic Board Appointments:** There is a resolution to re-appoint Thomas Hall, the Minority Chair's nominee, and there will be a resolution next month for the Majority Chair's nominee's appointment.
- **Tolls:** The disputing of tolls requires a significant amount of time to process. The County will be exploring how to streamline the dispute process.
- **Title VI:** The County's Title VI Plan has been submitted for review.

#### NEW BUSINESS:

- **Gender-Based Violence and the Workplace Policy:** A policy has been drafted and will be submitted for resolution next month. This policy needs to be adopted to remain compliant with state and federal grant funding and to ensure best policies and practices for addressing gender-based violence in the workplace.

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- DPW Seasonal Workers: Ms. Holbrook stated she was able to train all new seasonal employees on their first day of employment with the County.

### PERSONNEL

- 3<sup>rd</sup> Assistant County Attorney Vacancy: There continues to be no interest in this position.
- Ms. Holbrook will be on vacation next week.

RESOLUTIONS: RE-APPOINT MEMBER TO BOARD OF ETHICS; AUTHORIZE ACCEPTANCE OF YEAR FOUR FUNDING FROM THE NYS OFFICE OF INDIGENT LEGAL SERVICES AND ACCEPT YEAR FOUR FUNDING FOR THE SECOND HURRELL-HARRING GRANT AND AMEND THE 2026 BUDGET; AUTHORIZE APPOINTMENT OF GRANTS AND PROGRAMS ADMINISTRATIVE ASSISTANT (PT) IN THE ASSIGNED COUNSEL OFFICE; AUTHORIZE CONTRACT FOR CONSULTANT SERVICES FOR THE ASSIGNED COUNSEL PROGRAM were moved into full Legislative session without further questions.

PROCLAMATIONS: N/A

EXECUTIVE SESSION: Attorney DeWind and Ms. Roberts requested to enter into Executive Session to discuss litigation matters and a proposed property acquisition. Legislator Cantella made a motion to enter into Executive Session at 11:14 A.M. and was seconded by Legislator Ciotoli. Legislator Ciotoli made a motion to exit Executive Session and was seconded by Legislator Brown at 11:41 A.M.

ADJOURNMENT: Legislator Bunce adjourned the Finance, Legal and Safety Committee meeting at 11:41 A.M.

Respectfully submitted,

*Christine Freyvogel*

Paralegal to the County Attorney



# TIOGA COUNTY, NEW YORK

## Tioga County 2026 LEGAL BUDGET REPORT

FOR 2026 12

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>A General Fund</b>							
<b>A1420 Law</b>							
A1420 412706 Shared Services-At	-50,079	0	-50,079	.00	.00	-50,079.00	.0%*
A1420 510010 Full Time	190,013	0	190,013	70,618.10	.00	119,394.90	37.2%
A1420 510020 Part Time/Temporar	43,098	0	43,098	16,017.28	.00	27,080.72	37.2%
A1420 520090 Computer	0	314	314	314.41	.00	.00	100.0%
A1420 520200 Office Equipment	450	-314	136	.00	.00	135.59	.0%
A1420 540000 Contract Expense	500	0	500	19.25	420.77	59.98	88.0%
A1420 540010 Advertising	250	0	250	225.00	.00	25.00	90.0%
A1420 540040 Books	1,500	0	1,500	.00	.00	1,500.00	.0%
A1420 540180 Dues	2,400	0	2,400	1,053.40	.00	1,346.60	43.9%
A1420 540330 Legal Fees	65,000	18,844	83,844	19,575.00	27,500.00	36,768.75	56.1%
A1420 540331 Legal Fees-Adolesc	1,500	0	1,500	750.00	.00	750.00	50.0%
A1420 540390 Mileage Expense	500	0	500	242.15	.00	257.85	48.4%
A1420 540420 Office Supplies	510	0	510	41.09	.00	468.91	8.1%
A1420 540480 Postage	150	0	150	68.49	.00	81.51	45.7%
A1420 540485 Printing/Paper	400	0	400	.00	.00	400.00	.0%
A1420 540731 Training/State Req	1,500	0	1,500	150.00	.00	1,350.00	10.0%
A1420 581088 State Retirement F	33,351	0	33,351	8,239.30	.00	25,111.70	24.7%
A1420 583088 Social Security Fr	17,908	0	17,908	6,293.81	.00	11,614.19	35.1%
A1420 584088 Workers Compensati	4,223	0	4,223	1,421.70	.00	2,801.30	33.7%
A1420 585588 Disability Insuran	202	0	202	44.40	.00	157.60	22.0%
A1420 586088 Health Insurance F	66,779	0	66,779	34,861.70	.00	31,917.30	52.2%
A1420 588988 Eap Fringe	54	0	54	17.70	.00	36.30	32.8%
<b>TOTAL Law</b>	<b>380,209</b>	<b>18,844</b>	<b>399,053</b>	<b>159,952.78</b>	<b>27,920.77</b>	<b>211,179.20</b>	<b>47.1%</b>
<b>TOTAL General Fund</b>	<b>380,209</b>	<b>18,844</b>	<b>399,053</b>	<b>159,952.78</b>	<b>27,920.77</b>	<b>211,179.20</b>	<b>47.1%</b>
<b>TOTAL REVENUES</b>	<b>-50,079</b>	<b>0</b>	<b>-50,079</b>	<b>.00</b>	<b>.00</b>	<b>-50,079.00</b>	
<b>TOTAL EXPENSES</b>	<b>430,288</b>	<b>18,844</b>	<b>449,132</b>	<b>159,952.78</b>	<b>27,920.77</b>	<b>261,258.20</b>	
<b>GRAND TOTAL</b>	<b>380,209</b>	<b>18,844</b>	<b>399,053</b>	<b>159,952.78</b>	<b>27,920.77</b>	<b>211,179.20</b>	<b>47.1%</b>

\*\* END OF REPORT - Generated by Freyvogel, Christine \*\*



# TIOGA COUNTY, NEW YORK

## Tioga County 2026 SAFETY BUDGET REPORT

FOR 2026 12

	ORIGINAL APPROP	TRANSFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>CI Liability Insurance Fund</b>							
<b>CI8042 504 Coordinator/Safety</b>							
CI8042 424010 Interest And Earn	0	0	0	-1,377.61	.00	1,377.61	100.0%
CI8042 510010 Fulltime	63,188	0	63,188	23,297.59	.00	39,890.41	36.9%
CI8042 540070 Car Maintenance	1,000	0	1,000	276.99	.00	723.01	27.7%
CI8042 540140 Contracting Servi	164,500	0	164,500	43,098.95	119,801.05	1,600.00	99.0%
CI8042 540140 M7674 Contracting	0	14,763	14,763	11,991.03	2,772.25	.00	100.0%
CI8042 540220 Automobile Fuel	200	0	200	.00	.00	200.00	.0%
CI8042 540340 Literature	50	0	50	.00	.00	50.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	367.00	.00	1,633.00	18.4%
CI8042 540420 Office Supplies	400	0	400	119.22	.00	280.78	29.8%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	220.27	.00	379.73	36.7%
CI8042 540733 Training/All Othe	2,500	0	2,500	250.50	.00	2,249.50	10.0%
CI8042 581088 State Retirement	9,040	0	9,040	4,322.70	.00	4,717.30	47.8%
CI8042 583088 Social Security F	4,854	0	4,854	1,696.44	.00	3,157.56	34.9%
CI8042 584088 workers Compensat	1,145	0	1,145	473.90	.00	671.10	41.4%
CI8042 585588 Disability Insura	55	0	55	22.20	.00	32.80	40.4%
CI8042 586088 Health Insurance	18,101	0	18,101	11,822.60	.00	6,278.40	65.3%
CI8042 588988 Eap Fringe	15	0	15	5.90	.00	9.10	39.3%
<b>TOTAL 504 Coordinator/Safety</b>	<b>267,723</b>	<b>14,763</b>	<b>282,486</b>	<b>96,587.68</b>	<b>122,573.30</b>	<b>63,325.30</b>	<b>77.6%</b>
<b>TOTAL Liability Insurance Fund</b>	<b>267,723</b>	<b>14,763</b>	<b>282,486</b>	<b>96,587.68</b>	<b>122,573.30</b>	<b>63,325.30</b>	<b>77.6%</b>
<b>TOTAL REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-1,377.61</b>	<b>.00</b>	<b>1,377.61</b>	
<b>TOTAL EXPENSES</b>	<b>267,723</b>	<b>14,763</b>	<b>282,486</b>	<b>97,965.29</b>	<b>122,573.30</b>	<b>61,947.69</b>	
<b>GRAND TOTAL</b>	<b>267,723</b>	<b>14,763</b>	<b>282,486</b>	<b>96,587.68</b>	<b>122,573.30</b>	<b>63,325.30</b>	<b>77.6%</b>

\*\* END OF REPORT - Generated by Freyvogel, Christine \*\*

REFERRED TO:

LEGISLATIVE WORKSESSION  
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -26

APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: The term of Wendy Neild, on the Board of Ethics, expired on March 31, 2026; and

WHEREAS: Kimberly A. Zimmerman, a resident of Tioga County, has expressed an interest and willingness to serve a term on the Board of Ethics; therefore be it

RESOLVED: That Kimberly A. Zimmerman, Majority Chair of the Legislature nomination, is hereby appointed to the Board of Ethics for a term of April 1, 2026, through March 31, 2029.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -26 AMEND EMPLOYEE HANDBOOK: SECTION IV.  
PERSONNEL RULES; ADD SUBSECTION U. GENDER-  
BASED VIOLENCE AND THE WORKPLACE POLICY

WHEREAS: Tioga County is committed to providing a safe, healthy, and respectful work environment for all employees, free from discrimination, harassment and violence; and

WHEREAS: Gender-based violence, including domestic violence, sexual assault, stalking and workplace harassment, significantly impacts the safety, well-being, and productivity of employees; and

WHEREAS: The County Attorney and Personnel Officer have reviewed this policy for compliance with State and Federal Law and has identified the need to amend the Employee Handbook to include this policy; therefore be it

RESOLVED: That the Employee Handbook is hereby amended to add the Gender-Based Violence and the Workplace Policy to Section IV. Personnel Rules, Subsection u.

#### **SECTION IV. – PERSONNEL RULES**

##### **u. Gender-Based Violence and the Workplace**

#### **GENDER-BASED VIOLENCE AND THE WORKPLACE**

- I. Purpose
- II. Definitions
- III. Persons Covered by This Policy
- IV. Statement of Confidentiality
- V. Survivor Rights
- VI. Employer Responsibilities
- VII. Non-Discrimination and Responsive Personnel Policies
- VIII. Non-Retaliation Policy
- IX. Orders of Protection
- X. Accountability for Employees who Perpetrate Acts of Gender-Based Violence

##### **I. Purpose**

Gender-based violence occurs within a broad spectrum of relationships; therefore, Tioga County will take appropriate measures to prevent and/or address gender-based violence as it impacts the workplace. Tioga County recognizes the rights of victims to have self-determination and the need to respond in a survivor-centered, trauma-informed, and culturally responsive manner. This policy shall apply to all victims of gender-based violence, regardless of where the incidents took place.

Tioga County, to the fullest extent possible, without violating any existing rules, regulations, statutory requirements, contractual obligations, or collective bargaining agreements, designates and directs Personnel to implement the following Gender-Based Violence and the Workplace Policy. This policy includes the means by which Tioga County will share information regarding gender-based violence, refer employee survivors to services, comply with all applicable state laws, including the New York State Human Rights Law, and offers support to employees facing gender-based violence. The policy also prohibits retaliation against anyone based on their status as a domestic violence victim or for otherwise utilizing the resources within this policy.

## II. Definitions

- a. Gender-Based Violence:** Violence or threats that happen because of someone's sex, gender, sexual orientation, gender identity or expression, or other related characteristics. Gender-based violence is an umbrella term that includes domestic violence, sex-based discrimination, sexual harassment, sexual assault, and sexual violence, and can also include stalking or human trafficking.
- b. Domestic Violence:** A pattern of coercive behavior, including acts or threatened acts, used by a perpetrator to gain power and control over a victim, as defined in New York State Social Services Law § 459-a, including, but not limited to physical, sexual, psychological, economic, and/or emotional abuse; or the threat of any of the acts as mentioned earlier. Domestic violence includes but is not limited to family violence, intimate partner violence, dating violence, or dating abuse.
- c. Sexual Harassment:** Sexual Harassment is a type of gender-based violence. As defined by NYS Law and Tioga County's Sexual Harassment Prevention Policy, sexual harassment is defined as unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, and:
  - i. unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment; or

- ii. made, explicitly or implicitly, a term or condition of employment; or
- iii. when submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

Anyone who experiences sexual harassment in the workplace can report it under the Tioga County Sexual Harassment Prevention Policy, and/or to the New York State Division of Human Rights or Federal Equal Employment Opportunities Commission ("EEOC."). See the Tioga County Sexual Harassment Prevention Policy for more information.

- d. Survivor-Centered:** An approach to supporting and assisting survivors focused on meeting their needs as they prioritize and define them. Key elements of a survivor-centered approach include confidentiality, safety, respect, and non-discrimination.
- e. Trauma-Informed:** An approach to supporting and assisting survivors that realizes trauma is common, recognizes the signs, activators, and symptoms of trauma, and uses this knowledge to inform practices, policies, and procedures.
- f. Culturally Responsive:** A holistic approach to supporting and assisting survivors that recognizes a person's complex identities and cultural values, by responding to differences in identities to actively meet the needs of all survivors and communities.
- g. Victim of Domestic Violence – pursuant to NYS Social Services Law § 459-a (1):** Any person over the age of sixteen, any married person, or any parent accompanied by their minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation, identity theft, grand larceny, or coercion; and
  - i. Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and
  - ii. Such act or acts are or are alleged to have been committed by a family or household member.
- h. "Family or household members" means the following individuals pursuant to NYS Social Services Law § 459-a (2):**

- i. persons related by consanguinity or affinity (blood or a person's relation to blood relatives of their spouse);
  - ii. persons legally married to one another;
  - iii. persons formerly married to one another, regardless of whether they still reside in the same household;
  - iv. persons who have a child in common, regardless of whether such persons are married or have married or have lived together at any time;
  - v. unrelated persons who are continually or at regular intervals living in the same household or who in the past continually or at regular intervals lived in the same household;
  - vi. persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; or
  - vii. any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation.
- i. **"Parent" pursuant to NYS Social Services Law § 459-a (2):** means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.
- j. **Victim or Survivor:** A person who has experienced or is experiencing any form of gender-based violence. People of all genders, sexual orientations, and gender identities may experience gender-based violence, but women and girls are impacted the most. Some people will have a strong preference for which term to use.
- k. **Perpetrator or Abusive Partner or Person who Causes Harm:** A person who commits or threatens to commit coercive or violent acts, which may include, but is not limited to, physical, psychological, sexual, economic, and/or emotional abuse against a victim.
- l. **Order of Protection (OP) ("Restraining Order" or "Stay-Away Order"):** An order issued by any court to limit the behavior of someone who harms or

threatens to harm another person. Orders of Protection may direct the offending party not to injure, threaten, or harass the victim, their family, or any other person(s) identified and may include, but are not limited to ordering the person causing harm to stay away from the home, school, business, or place of employment of the victim; vacate a shared residence; abide by any active orders of custody and visitation; and surrender any firearms.

**m. Workplace:** For the purposes of this policy, any permanent or temporary location away from an employee's domicile where an employee performs any work-related duty in the course of employment.

**n. Gender-Based Violence Liaison (GBVL):** Where possible, a designated employee(s) or outside organization designated by the County who assists victimized employees with referrals to local service providers. The GBVL may or may not be a Personnel employee.

**o. Local Service Providers:** An organization in a given geographical area whose mission is to provide services to victims of gender-based violence. In New York State, each county has a designated service provider(s) for domestic violence and sexual violence. Services can include emergency shelter, advocacy, accompaniment to hospitals and court, safety planning, counseling, etc. Visit [opdv.ny.gov](http://opdv.ny.gov) for a list of New York State-based domestic and sexual violence service providers.

### **III. Persons Covered by This Policy**

This policy shall extend to all full, part-time, temporary employees, volunteers, and interns working for Tioga County in any official work capacity. Whenever possible, this policy also covers consultants, contractors, and other on-site providers.

### **IV. Statement of Confidentiality**

Tioga County recognizes and respects the employee's right to privacy and confidentiality. All information, including details an employee shares about being a victim, shall be kept confidential to the extent permitted by law without the employee's written permission, unless doing so creates a substantial risk of imminent danger to the victimized employee, other employees, or the worksite. If such a situation arises, Tioga County will:

- a. Inform the victimized employee of the actions Tioga County will take.
- b. Share information only with the specific employees who need to know.

- c. Limit the information shared to only what is necessary. Ensure victimized employees know and understand this policy and their rights, including all possible options available to them, and are aware of accommodations outlined in section VI. of this policy, such as the use of alternative scheduling or a change in work location, and assisting the employee in identifying the best use of attendance and leave benefits.

## **V. Survivor Rights**

Victims of domestic violence are a protected class under New York State Human Rights Law § 296, which applies to settings like employment, housing, education, and public accommodations. Every Employer in the State of New York is required to follow the New York State Human Rights Law. This means it is unlawful to discriminate against an employee based on their status as a victim of domestic violence.

- a. Employees have the right to:
  - i. Disclose or not disclose experiences or details of gender-based violence.
  - ii. Ask for reasonable accommodations to address concerns related to gender-based violence.
  - iii. Be free of discrimination and retaliation in seeking such accommodation.
  - iv. Access gender-based violence services.
- b. Employers may require an employee to provide documentation, such as an attestation, to substantiate their need for an accommodation or to use sick or safe leave.

## **VI. Employer Responsibilities**

- a. Tioga County shall implement the Gender-Based Violence and the Workplace policy and where possible, designate the Personnel department or appropriate staff personnel to perform duties associated with implementing the policy. Where possible, Tioga County will designate at least one employee as its Gender-Based Violence Liaison (GBVL).
  - i. The GBVL is a designated employee who assists victimized employees with referrals to local service providers. The GBVL may or may not be a Personnel employee.
- b. Increase awareness around gender-based violence and create an informed workforce by posting information in such places where employees can utilize the information without having to request it or be seen removing it (i.e. organization intranet, employee newsletters,

restrooms, kitchen and lounge, and any other frequently used areas). The information should include:

- i. Employee Assistance Program (EAP) information, if applicable,
  - ii. Personnel staff,
  - iii. NYS Domestic and Sexual Violence Hotline Number (1-800-942-6906), Chat and Text Line (1-844-997-2121), and
  - iv. Contact information for local gender-based violence programs.
- c. Ensure victimized employees know and understand this policy and their rights, including all possible options available to them, and are aware of accommodations outlined in section VI. of this policy, such as the use of alternative scheduling or a change in work location, and assisting the employee in identifying the best use of attendance and leave benefits.
- d. Offer support to those victimized through the following minimum steps:
- i. Provide information on available sources of services and assistance for victims and survivors, such as the New York State Domestic and Sexual Violence Hotline or local victim services provider.
  - ii. Educate employees on disciplinary practices that may be implemented in the event of retaliation for reporting or used with employees who commit acts of gender-based violence. Assist supervisors to ensure that all employees who knowingly violate this policy are held accountable.
  - iii. Include this policy as part of the written materials provided to all new employees and provide the policy to all employees on an annual basis.
  - iv. Provide a detailed explanation of employees' rights under this policy during new employee orientation, including information about anti-discrimination protections for victims of domestic violence under the New York State Human Rights Law.
  - v. Provide confidential support services, such as safety planning, and refer anyone who discloses they are a victim to the EAP, if applicable, the NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, if appropriate), and any local programs serving victims of domestic and sexual violence. Additional referrals may be made to the appropriate resources to meet the employee's needs best.

- vi. Consider conducting programs and activities throughout the year to increase awareness about gender-based violence, such as supply drives for local domestic and gender-based violence programs, brown bag lunch discussions, and/or presentations by local gender-based violence programs.
- e. Tioga County and Personnel staff must create a safe and supportive workplace culture for anyone who has experienced gender-based violence. They can do this by communicating that information and resources are available to victims and that abusive behavior by any employee will not be tolerated.
- f. Tioga County Supervisors shall ensure that any employee who discloses being a victim of gender-based violence is aware of and understands this policy and their rights, including the right to request accommodations or time off as discussed below. Additionally, supervisors shall refer employees to Personnel and/or GBVL to receive referrals and resources as outlined above.

## **VII. Non-Discrimination and Responsive Personnel Policies**

Under the New York State Human Rights Law, and Tioga County Sexual Harassment Prevention Policy all persons are protected from discrimination in the workplace on the basis of their status as a victim of domestic violence, and on the basis of sex, sexual orientation, gender identity, and gender expression. If such discrimination occurs, the employee can report it under Tioga County Sexual Harassment Prevention Policy and/or to the New York State Division of Human Rights for potential investigation and remediation.

- a. Victims of domestic violence are a protected class under New York State Human Rights Law (Executive Law § 296(22)) and as such;
  - i. Employers may not refuse to hire or license and may not terminate someone solely based on their status as a victim of domestic violence.
  - ii. Employers may not discriminate against victims of domestic violence in compensation, terms, conditions, or privileges of employment.
  - iii. Employers may not inquire about an applicant or employee's status as a current or past victim of domestic violence in any way that directly or indirectly expresses discriminatory treatment based on that status.
  - iv. Employers may inquire about status as a victim of domestic violence to provide reasonable accommodations.

- v. Employers may not refuse to provide certain reasonable accommodations to an employee who is known by the employer to be a victim of domestic violence and who needs such accommodation to seek medical care and/or obtain certain services connected to an incident or incidents of domestic violence, as further set forth in the New York State Human Rights Law.
  - vi. Employers are prohibited from retaliating against an employee for opposing unlawful discrimination and/or filing a formal complaint over alleged discriminatory conduct.
- e. Time Off for Legal Proceedings: Employers are also required to grant time off, with prior-day notification, and may not penalize any employee who, as a victim or witness of a criminal offense, is appearing as a witness; consulting with a district attorney; or exercising their rights as provided by law.
- f. Changes to Benefits: Employees who are victims of gender-based violence who separate from a covered family member due to incidents of gender-based violence shall be allowed to make reasonable changes in benefits at any time during the calendar year, where possible and in accordance with statute, regulation, contract, and policy.
- g. Work Performance Impact: Tioga County recognizes that victims of domestic and gender-based violence may experience temporary work performance difficulties or be unable to complete certain job aspects because of safety reasons. If performance is affected as a result of being a victim of gender-based violence, Tioga County will work with the employee on solutions which may include specific work plans, taking leave, reasonable accommodations, referrals to the GBVL or Personnel, EAP, if applicable, and/or the local domestic violence service provider.
- i. Employees should be made aware that not all employees' requests for assistance can be accommodated.

## **VIII. Non-Retaliation Policy**

Tioga County shall not engage in any retaliatory practices against employees who disclose they are a victim of gender-based violence, or any employee seeking accommodations or to exercise their rights under this policy.

Tioga County will not retaliate, tolerate retaliation by any superiors, terminate, or discipline any employees for reporting information about alleged incidents of

gender-based violence that may have been committed by an employee, including those in management positions.

Retaliatory practices may include, but are not limited to:

- a. Commencing discipline against victimized employees for actions taken to promote their safety
- b. Fewer promotions
- c. Inappropriate jokes
- d. Comments that communicate bias or minimization
- e. Excluding the employee from conversations, etc.
- f. Discussing employee's status or experience in open/non-private settings with individuals other than the employee and the related staff (GBVL, Personnel, etc.).

Retaliation may be carried out by anyone, not just the original perpetrator.

Any employee or organization engaging in retaliatory practices may be subject to disciplinary actions. If you believe you have been subject to retaliatory practices, please see Section XIV: Violations of Policy.

Retaliation against any employee who files a complaint of violation of the policy is also prohibited.

## **IX. Orders of Protection**

Tioga County shall comply and assist with the enforcement of all known Orders of Protection (OP). If requested by the victim or by law enforcement, will provide any relevant information regarding an alleged OP violation.

- a. Disclosing an Order of Protection: If an employee has an active OP, they are encouraged to disclose it to the GBVL or designated staff member at their work site. Employees should not be compelled to disclose an OP or provide a copy, but it may assist the employer in implementing a safety plan. Copies of Orders of Protection will be maintained in a locked, confidential location, separately from the employee's personnel file. In the event of an emergency or if the OP needs to be presented to law enforcement, the liaison or Safety Officer shall retrieve and present the order.

- i. Employees should notify the liaison and Safety Officer in the event of a relevant modification or revocation of the OP.
- b. Developing a Safety Plan: When requested by the victim, the Safety Officer and staff will work with the employee to develop a plan on how best to increase safety for the victim, other employees, and the workplace.

**X. Accountability for Employees who Perpetrate Acts of Gender-Based Violence**

Tioga County will hold accountable and shall subject to corrective or disciplinary action any employee who violates this policy, in accordance with existing collective bargaining agreements, applicable statutes, and regulations. The following behaviors are prohibited under the policy:

- a. Using the authority of their employment and/or misusing any workplace resources in order to:
  - i. negatively impact any victim of gender-based violence;
  - ii. assist a perpetrator in locating a victim;
  - iii. assist a perpetrator in perpetrating any act of gender-based violence; or
  - iv. protect a perpetrator from receiving appropriate consequences.
- b. Committing acts of gender-based violence from or at the workplace, or from any location conducting official business, except for locations where employees are telecommuting.

Employees may also report alleged violations of the New York State Human Rights Law to the New York State Division of Human Rights (DHR). DHR is the state agency responsible for enforcing the New York State Human Rights Law. DHR reviews every report of discrimination filed with the agency. In every case where the alleged discrimination falls within the agency's jurisdiction, DHR will investigate and seek to hold violators of the law accountable. The discrimination reporting form and all related information can be found on [DHR's website](#)