

Second Regular Meeting
February 11, 2014

The Second Regular Meeting of 2014 was held on February 11, 2014 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Hollenbeck to have a moment of prayer. "God Bless the Olympic athletes who are competing in Sochi, Russia, and please God keep them all safe from harm."

Legislator Hollenbeck led all Legislators and those in attendance in the Pledge of Allegiance.

George Penney had privilege of the floor. "I would suggest that you are planning a rather inappropriate situation for the Route 434 property, which you no longer own. My suggestion is that building a warehouse for that type of structure on that property would reduce its value and a Visitor Center is not required there. The present Visitor Center in Owego itself is very adequate. It has parking. It has a good location. It has a good place where it is. There is no need for a Visitor Center on Route 434 and the County Building is not the best use of that property. Thank you."

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		8.46
A1165	District Attorney		2,361.63
A1172	Assigned Counsel		14,179.21
A1185	Medical Examiners/Coroners		1,153.93
A1325	Treasurer		30.15
A1355	Assessments		648.57
A1362	Tax Advertising and Expense		3,024.00
A1410	County Clerk		1,340.20
A1420	Law		4,268.98
A1430	Personnel		5,069.81
A1450	Elections		31,597.96
A1460	Records Management		30.00
A1490	Public Works Administration		515.78
A1620	Buildings	912.42	64,267.93
A1621	Buildings		28,746.79

A1680	Information Technology	2,376.00	4,183.01
A1920	Municipal Association Dues		6,615.00
A2490	Community College Tuition		10,297.01
A2960	Education Handicapped Children		66,533.42
A3020	Public Safety Comm E911 System		1,759.48
A3110	Sheriff		23,242.24
A3140	Probation		879.91
A3150	Jail		111,591.86
A3315	Special Traffic Programs		729.37
A3410	Fire	39.99	4,910.59
A3412	2012 NYS Tech Rescue Grant	11,047.07	
A3640	Emergency Mgmt Office		397.29
A4010	Public Health Nursing		20,371.91
A4011	Public Health Administration		19,568.19
A4042	Rabies Control		129.30
A4044	Early Intervention		74,255.53
A4053	Preventive/Primary Health Services		87.00
A4054	Preventive Dental Services		1,905.66
A4064	Managed Care-Dental Services		9,625.00
A4070	Disease Control		9,752.59
A4090	Environmental Health		64.38
A4210	Alcohol and Drug Services		1,915.33
A4211	Council on Alcoholism		10,990.33
A4309	Mental Hygiene Co Admin		10,135.39
A4310	Mental Health Clinic		15,137.89
A4311	Rehabilitation Support Services		134.00
A4320	Crisis Intervention Services		1,528.42
A4321	Intensive Case Management		1,546.93
A5630	Bus Operations		75,109.10
A6010	Social Services Administration		120,341.22
A6141	Energy Crisis Assistance Programs		19,708.82
A6422	Economic Development		1,762.00
A6610	Sealer Weights and Measures		128.97
A7310.41	Youth Programs, Refundable		6,732.39
A7510	Historian		117.93
A7989	Tourism		150,000.00
A8020	Planning		834.88
A8025	Regional Planning 7-County Board		10,000.00
SOLID WASTE FUND			91,633.98
SPECIAL GRANT FUND			9,613.61
LIABILITY INSURANCE FUND			8,491.00
COUNTY ROAD FUND			77,622.01
CAPITAL FUND			39,691.65
SELF-INSURANCE FUND			<u>201,639.00</u>

GRAND TOTAL \$ 1,393,332.47

Legislator Monell made a motion to approve the minutes of January 2 and 14, 2014, seconded by Legislator Case, and carried.

Chair Sauerbrey abolished the Real Property Director Search Committee and Information Technology Director Search Committee effective February 11, 2014.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Chair Sauerbrey spoke. "I attended the NYSAC Conference last week at which time I completed Tier I of the Emergency Management requirement that allows me to apply for and get grant funding for emergency management. I also completed the courses necessary for the Pelletier degree, which I have now graduated from."

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 32-14 REAPPOINT MEMBER
RECORDS MGMT. ADVISORY BOARD

WHEREAS: Representative of the Media appointment on the Records Management Advisory Board is up; and

WHEREAS: Current Incumbent Mary Beth Jones has expressed an interest to continue to serve on the Records Management Advisory Board; therefore be it

RESOLVED: That the following Representative of the Media member be reappointed to the Records Management Advisory Board as follows:

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 33-14 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: One member's term on the Tioga County Planning Board that expired as of 12/31/13 was mistakenly omitted in the December 2013 reappointments; and

WHEREAS: This member was Patty Porter, in an at-large position which does not require municipal recommendation; and

WHEREAS: Patty Porter is willing to serve another term in this position; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Patty Porter to the Tioga County Planning Board, to serve a 3-year term of 1/1/14 – 12/31/16.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REREFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 34-14 *APPOINT MEMBER TO THE TIOGA
COUNTY INDUSTRIAL DEVELOPMENT
AGENCY (TCIDA)*

WHEREAS: Pursuant to §856(2) of the General Municipal Law the members of the Tioga County Industrial Development Agency (TCIDA) serve at the pleasure of the Legislature without a term until they either resign or are replaced by the Legislature; and

WHEREAS: Martha Sauerbrey has faithfully volunteered her time and has been dedicated and loyal in the performance of her duties and responsibilities during the past seven years on the Tioga County Industrial Development Agency (TCIDA) Board of Directors; and

WHEREAS: Martha Sauerbrey has expressed she will resign from the Tioga County Industrial Development Agency Board of Directors on February 28th, 2014; and

WHEREAS: the Tioga County Industrial Development Agency (TCIDA) Board of Directors desires to fill this vacant position; and

WHEREAS: Raymond Case has expressed a desire to serve on the Tioga County Industrial Development Agency (TCIDA); therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Raymond Case to replace Martha Sauerbrey's position on the Tioga County Industrial Development Agency Board of Directors effective March 1st, 2014.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 35-14 *APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH*

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: Tioga County Board of Health By-Laws state that one member shall be a member of the Tioga County Legislature, serving to the end of their legislative term; and

WHEREAS: The appointed term for Legislator Richard Huttleston on the Board of Health expires 12/31/2015; and

WHEREAS: It has been policy of the Legislature to appoint the Chair of the Health & Human Services Committee to the Board of Health; and

WHEREAS: Legislator Richard Huttleston has resigned from the Board of Health; and

WHEREAS: Legislator William Standinger III is the new Health & Human Services Committee Chair and has agreed to replace Legislator Richard Huttleston; therefore be it

RESOLVED: That Legislator William Standinger III, be appointed to the Board of Health to replace Legislator Richard Huttleston effective 02/12/2014, for his term of office expiring on 12/31/2014.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 36-14 *APPOINT MEMBERS ALTERNATIVES TO
INCARCERATION ADVISORY BOARD*

RESOLVED: That the following members be appointed to the Alternatives to Incarceration Advisory Board for the following terms:

	TERM
Ex-Offender	4/1/14-3/31/15
Crime Victim	4/1/14-3/31/15
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/14-3/31/15

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ED&P COMMITTEE
AG COMMITTEE

RESOLUTION NO. 37-14 SET PUBLIC HEARING FOR 2014 ANNUAL AGRICULTURAL DISTRICT INCLUSIONS

WHEREAS: The Tioga County Legislature, as per resolution 296-03 designated January 2nd through January 31st as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and said law requires that the Tioga County Legislature hold a public hearing before making a decision on inclusion of lands; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2014 on February 20th, 2014 at 10:00 AM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. A of 2014.

County of Tioga

Local Law No. of the Year 2014.

A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2015 and authorizing the adoption by Tioga County of a budget for 2015 that requires a tax levy that is greater than the tax levy limit for the 2015 fiscal year.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: Title:

This Local Law shall be known as “Tioga County Responsible Budgeting Law of 2014”.

SECTION 2: Declaration of Intent:

The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2015 Tioga County Budget.

The regulations regarding the tax cap calculation continue to evolve, making it difficult to be certain that the 2015 budget falls under the calculated tax levy limit established by the General Municipal Law.

While the Tioga County Legislature intends to comply with the tax cap, it recognizes the need to authorize an override, as an insurance policy, in order to avoid these negative fiscal impacts that would result due to lack of clarity in the tax cap regulations from the OSC.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby authorizes an override to the tax levy limit for Tioga County for 2015 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2015

that requires a tax levy that is greater than the tax levy limit calculated for 2015 pursuant to Section 3-c of the General Municipal Law.

SECTION 4: Severability:

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which remaining portions shall remain in full force and effect.

SECTION 5: Effective Date:

This Local Law shall take effect upon the date on which a certified copy of this Local Law is filed in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 38-14

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. A OF 2014*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2014 A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2015 and authorizing the adoption by Tioga County of a budget for 2015 that requires a tax levy that is greater than the tax levy limit for the 2015 fiscal year in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, March 6, 2014 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Weston, and Case.

No – Legislator Sullivan.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 39-14 *ERRONEOUS ASSESSMENT
TOWN OF BARTON*

WHEREAS: An application for credit and refund of property corrected tax roll for property no. 1082 assessed to Kandi M. Dixon on the 2014 tax roll of the Town of Barton indicates that parcel 166.15-3-61 was split into two parcels and the original parcel was not deleted due to a clerical error resulting in two bills (no. 364 and 365) being issued for the same parcel; be it therefore

RESOLVED: That bill no. 364 for parcel no. 1082 in the Town of Barton be disregarded; and be it further

RESOLVED: That the erroneous town tax of \$94.32 be charged back to the Town of Barton, and the erroneous Fire Tax of \$40.33 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$18.28 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$421.58 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 40-14 *ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: An application for corrected tax roll indicates that Special Franchise property no. 3011 assessed to the State of New York on the 2014 tax roll of the Town of Candor is erroneous in that a clerical error allowed fire tax not approved by ORPTS to be billed on a transition parcel; be it therefore

RESOLVED: That New York State deduct the \$389.51 fire tax for property no. 3011 in the Town of Candor (Bill #2802) from the NYS property tax payment; and be it further

RESOLVED: That the erroneous fire tax of \$389.51 be charged back to the Candor Fire District.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 41-14 *ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

WHEREAS: An application for corrected tax roll indicates that parcel #2020 (tax map 59.00-1-25.11) assessed to Lorie Emery on the 2014 tax roll of the Town of Spencer is an invalid parcel that was added to the 2011 assessment roll in error by the assessor and is a duplication of parcel 59.00-1-19.20; and

WHEREAS: The 2012, 2013 and 2014 tax bills, totaling \$9,965.84, including erroneous school relieves for parcel #2020 have not been paid; be it therefore

RESOLVED: That the tax bills for 2012, 2013, and 2014, including the relieved school taxes for parcel #2020 be rendered null and void and the parcel be removed from the County Tax Foreclosure; and be it further

RESOLVED: That the erroneous town tax of \$1,624.00 be charged back to the Town of Spencer and the erroneous fire tax of \$166.22 be charged back to the Spencer Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$110.14 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$5,204.59 be charged back to the Spencer-VanEtten School District; and be it further

RESOLVED: That the erroneous county tax of \$2,496.57 and the erroneous school penalties of \$364.32 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 42-14

*ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

WHEREAS: An application for corrected tax roll indicates that parcel #385 assessed to Arnold Income Only Trust 6/08 on the 2014 tax rolls of the Town of Spencer is erroneous in that an IRA Distribution was used incorrectly in calculating the exemptions ; and

WHEREAS: The 2014 tax bill for parcel no. 385 in the Town of Spencer has not been paid to the Town of Spencer Tax Collector; be it therefore

RESOLVED: That a new 2014 tax bill be issued for the Arnold Trust as follows

	<u>Incorrect Arnold Bill#407</u>	<u>Corrected Arnold Bill #407</u>
County	\$ 1,035.34	\$ 621.21
Recycle	44.89	26.93
Townwide	248.60	236.17
Part Town	435.81	414.02
Spencer Fire	<u>67.99</u>	<u>67.99</u>
Total	\$ 1,832.63	\$ 1,366.32

and be it further

RESOLVED: That the erroneous town tax of \$34.22 be charged back to the Town of Spencer; and be it further

RESOLVED: That the erroneous solid waste tax of \$17.96 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$414.13 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 43-14 *AUTHORIZATION FOR BOARD OF ELECTIONS
TO APPLY FOR GRANT FOR
DIGITALIZATION OF ELECTION RECORDS*

WHEREAS: The Federal Help Americans Vote Act (HAVA) of 2006 provided funds to compensate counties for expenses relating to transitioning from Lever to Electronic Voting systems; and

WHEREAS: New York State has held these funds in reserve until all counties had fully transitioned to the Electronic Voting system and just recently all counties complied; and

WHEREAS: These federal funds will be used to digitize paper election records into a system that would link with current Elections Administration system and the Department of Motor Vehicles; and

WHEREAS: Federal regulations require pre-approval for all items purchased over \$5,000; and

WHEREAS: The Tioga County Board of Elections is to receive \$41,963.00; and

WHEREAS: Tioga County protocol is for The Board of Elections to seek permission prior to submitting grant applications; and

WHEREAS: Federal regulations require the county purchase the item prior to reimbursement and submit proof of payment in the grant application; therefore be it

RESOLVED: That the Tioga County Board of Elections be given permission to apply for this grant and be authorized to purchase the digitalizing document system after Federal Pre-Approval has been received by the Tioga County Board of Elections; and be it further

RESOLVED: That the grant funding be applied as follows:

From: A3906.00-State Grant/Elections	\$41,963.00
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To: A1450.20-620-Elections	\$41,963.00
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ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 44-14 *NOTIFICATION OF GRANT APPLICATION*

WHEREAS: The Federal Help Americans Vote Act (HAVA) of 2006 provided funds to compensate counties for expenses relating to transitioning from Lever to Electronic Voting systems; and

WHEREAS: New York State has held these funds in reserve until all counties had fully transitioned to Electronic Voting systems and just recently all counties complied; and

WHEREAS: The County Boards of Elections must apply for reimbursement and part of the application process is notifying the County Legislature that grants are being applied for; therefore be it

RESOLVED: That the Tioga County Legislature accepts the GOVERNING BODY GRANT APPLICATION NOTIFICATION from the Tioga County Board of Elections in the amount up to \$5,312.13.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 45-14 *APPROPRIATION OF FUNDS
MENTAL HYGIENE*

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass through state aid funding for the purpose of Supported Housing; and

WHEREAS: TCMH has contracted with Rehabilitative Support Services to provide these services to Tioga County residents; and

WHEREAS: TCMH will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: The appropriation of funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A3490.00 Mental Health Programs Revenue	\$25,279.00
To: A4333.40-130 Psycho Social Club	\$25,279.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 46-14 *TRANSFER OF FUNDS*
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) is required to provide Health Home Non-Medicaid Care Management to Tioga County residents; and

WHEREAS: TCMH has had a vacancy in its Care Management position since October 2013; and

WHEREAS: TCMH has contracted with Rehabilitative Support Service (RSS) to provide this service to Tioga County residents with no local share increase; and

WHEREAS: TCMH has identified available funds within their 2014 budget, yet these will require a transfer of funds into the proper account codes; and

WHEREAS: Transfer of funds requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A4310.10-10 Mental Health Clinic \$19,844.00

To: A4321.40-130 Intensive Case Management
 Health Home Non-Medicaid Care Management Services Rendered
 \$19,844.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC WORKS
 FINANCE

RESOLUTION NO. 47-14 RE-ESTABLISH PRIOR YEAR
 PUBLIC WORKS PROJECTS

WHEREAS: Prior year Public Works Projects need to be re-established for the remaining balance as of year-end 2013 for completion in 2014; therefore be it

RESOLVED: That the following accounts and amounts be re-established:

<u>Bridge Projects</u>		<u>Amt to Establish</u>
H2009.02	East River Rd.	\$ 1,410,224.79
H2010.07	Lillie Hill RD	\$ 25,000.00
H2012.05	Penn. Ave Bridge	\$ 50,000.00
H2012.06	Gaskill Road Bridge	\$ 30,000.00
H2013.01	County Rd Project	\$ 195,000.00
H2013.05	Catatonk Hill Rd	\$ 924,820.34
H2013.06	Ellis Creek Rd	\$ 1,000,000.00

H2013.07	West Creek Rd	\$	39,850.70
H2013.08	Halsey Valley Rd	\$	1,151.37
H2013.09	Hamilton Valley Rd	\$	65,400.00

Capital Projects

H1624.20	Trop. Storm Flood Capital	\$	70,145.93
H1625.20	Trop. Storm Flood Expenditure	\$	4,310.99

Capital Construction

H1620.20-923	Stand by Generator	\$	115,985.00
H1620.20-926	HVAC Control System	\$	21,500.00
H1620.20-927	Court House Ext. Renov.	\$	351,006.00
H1620.21-913	Jail Renovations	\$	23,116.12
H1620.21-929	Boiler	\$	35,000.00
H5130.21-911	Renovation 56 Main St	\$	3,000.00

Capital Equipment

H4310.21	Capital Equipment-MH	\$	7,624.86
H5130.21-230	Radio & Equipment	\$	13,788.10

And be it further

RESOLVED: That the corresponding revenue sources shall also be re-established in the 2014 modified budget.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRING TO: PERSONNEL COMMITTEE
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 48-14 *AMEND COUNTY POLICY 53: WORKPLACE
VIOLENCE PREVENTION AND DISCRIMINATORY
HARASSMENT*

WHEREAS: There was confusion on the reporting procedures for Workplace Violence and Harassment complaints, and also on whom various responsibilities were assigned to; and

WHEREAS: County Policy 53 was revised in its entirety in order to clarify both issues; therefore be it

RESOLVED: That the revised County Policy 53 shall appear as follows effective immediately:

POLICY 53

TIOGA COUNTY

WORK PLACE VIOLENCE PREVENTION POLICY AND DISCRIMINATORY HARASSMENT POLICY

SECTION 1 – WORKPLACE VIOLENCE PREVENTION PROGRAM MANUAL

- I. Policy Statement
- II. Overview of the NYS Workplace Violence Prevention Act
- III. Definitions
- IV. Savings Clause
- V. Responsibilities
- VI. Response Procedures

- VII. Reporting Procedures
- VIII. Incident Investigation
- IX. Training and Education
- X. Workplace Risk Evaluation
- XI. Methods of Hazard Prevention and Control

SECTION 2 – DISCRIMINATORY HARASSMENT POLICY

- I. Policy Statement
- II. Definitions
- III. Responsibilities
- IV. Reporting Procedures
- V. Complaint Investigation

VI. Response Procedures

SECTION 3 – FORMS

Form 1: Workplace Violence Incident Report

Form 2: Workplace Violence Prevention Program Policy
Acknowledgement Form

Form 3: Workplace Violence Prevention Program Training
Acknowledgement Form

Form 4: Discriminatory Harassment Complaint Form

Form 5: Notice of Withdrawal of Complaint of Discriminatory Harassment

SECTION 1 – WORKPLACE VIOLENCE PREVENTION PROGRAM MANUAL

I. Policy Statement

Tioga County is committed to providing its employees with a work environment that is safe, secure, and free from harassment, threats, intimidation and violence. The County also considers the safety of its residents, vendors, contractors and the general public (collectively referred to as “visitors” throughout this policy) to be of paramount importance and strives to provide them the same type of protections while on County Property.

The County will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence and protect employees and visitors from acts of violence. This includes but is not limited to threatening or violent actions by:

1. Employees directed against other employees or County property.
2. Employees directed against visitors.
3. Visitors directed against County employees or County property or facilities.
4. Individuals who are conducting County business at an off-property location.

Any and all incidents of workplace violence should promptly be reported in accordance with the reporting procedures outlined in Section VII of this policy.

Enforcement of this policy will be accomplished through the implementation of a Workplace Violence Prevention Program, and by complying with the requirements of the NYS Workplace Violence

Prevention Act, as set forth in NYS Labor Law Section 27-b. A copy of the County's policy is available by contacting the Legislative Office. A general review of this program will be conducted annually, at the time of a reported workplace violence incident, or if there is a change in operations or physical structure of any building.

Violations of this policy may result in appropriate remedial, disciplinary (in accordance with respective collective bargaining agreements), and/or legal action, according to the circumstances.

This Workplace Violence Prevention Program policy statement is to be posted where notices to employees are normally displayed. In addition, a copy of the policy will be made available to employees, the authorized employee representative(s), and the Commissioner of the New York State Department of Labor.

II. Overview of the New York State Workplace Violence Prevention Act

Based on an increasing awareness of, and in response to, workplace violence in public sector workplaces, the New York State Workplace Violence Prevention Act was passed in 2006. The Act amended NYS Labor Law by adding a new Section 27-b requiring that all state and local government employers take steps to ensure their employees are provided adequate protection from potential incidents of violence in the workplace.

Among other stipulations, Section 27-b requires every public sector employer to:

1. Conduct a risk assessment of their worksites to identify and address any existing risk factors that may increase the possibility of workplace violence;
2. Provide training for all employees (upon initial assignment and annually thereafter) which informs them of the risk factors that may be present in their workplace(s), the measures they can take to protect themselves from such risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and
3. Develop and implement a written workplace violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards. (Required if the employer has 20 or more full-time employees).

III. Definitions

1. "Violence" means physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons or threatening or talking of engaging in these activities.
2. "Workplace violence" can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs in the workplace. Workplace violence can affect employees, visitors, contractors and others.

Workplace violence incidents are generally categorized as:

- Level I – Disruptive behavior such as verbal abuse
 - Level II – Aggressive or threatening behavior
 - Level III – Physical assault
3. For the purpose of this policy, "workplace" or "place of employment" is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, County-owned buildings and facilities, parking lots and traveling to and from work assignments or work sites.

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations, such as domestic violence or "road rage". Workplace violence can be inflicted by an abusive employee, a supervisor, member of the public, family member, or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence will not be accepted or tolerated.

Workplace violence presents serious occupational safety hazards for workers and unique challenges for employers who must attempt to prevent violence from occurring. The majority of violent incidents effecting workplaces are cases of assault, threats, domestic violence, forms of harassment and physical and/or emotional abuse.

4. A "workplace violence incident" is defined as one or more of the following according to the NYS Department of Labor:
 - An attempt or threat, whether verbal or physical, to inflict injury upon another person.
 - Any intentional display of force which would give a person reason to fear or expect bodily harm.

- Intentional or wrongful physical contact with a person without his or her consent that entails some injury or offensive touching.
- Harassment of a nature that would give a person reason to fear escalation or make it difficult to pursue a normal work life or private life when the harassment arises out of or in the course of employment.
- Stalking a person with the intent of causing fear when such stalking has arisen through or in the course of employment.

An incident may be committed without one person actually touching or striking or doing bodily harm to another person.

While sexual harassment (as defined in herein and New York State Human Rights Law) is prohibited by Tioga County, it is specifically excluded from the definition of a workplace violence incident. An employee should refer to Section 2 of this policy for more information about this topic.

Possession of firearms, imitation firearms, knives, or other dangerous weapons, instruments or materials by County employees is covered in County Policy 49.

5. The Department of Labor defines an "imminent danger" as any conditions or practices in any place of employment which are such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.

IV. Savings Clause

Tioga County has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in such decision shall be of no force and effect, but the remainder of this program shall continue to be in full force and effect.

V. Responsibilities

1. Department Head/Supervisor Responsibility

Department Heads and supervisors are expected to enforce the program in a fair and consistent manner and ensure all aspects of the program under their area of responsibility are properly met.

If an employee notifies his/her Department Head of an actual or potential workplace violence incident or submits a completed Workplace Violence Incident Report, the Department Head is responsible for following the reporting procedures as outlined in Section VII of this policy.

2. Employee Responsibility

Employee and authorized employee representatives involvement in Tioga County's Workplace Violence Prevention Policy is essential to the program's success. Employees are expected to read, understand and comply with the County's program and to attend ongoing education and training on workplace violence. Any questions should be directed to the employee's Department Head or supervisor.

Employees must promptly report any violations of the County's Workplace Violence Prevention Policy or any workplace violence imminent danger in accordance with the reporting procedures outlined in Section VII of this policy.

Individuals who obtain a protective order or restraining order which lists specific workplace locations as being protected areas must provide their Department Head and the Safety Officer a copy of any temporary or permanent protective or restraining order that was granted. The County will maintain confidentiality that recognizes and respects the privacy of the reporting employee, unless in conflict with this policy.

3. Safety Officer

The Safety Officer, or his/her designee, will be responsible for annual training and disseminating any changes made to this policy to County personnel, as well as ensuring the policy is posted appropriately throughout county buildings and other work sites.

4. Workplace Violence Advisory Team

Tioga County will establish a Workplace Violence Advisory Team to administer the Workplace Violence Prevention Program. The team's responsibilities will include, but will not be limited to:

- Conducting an annual comprehensive risk evaluation of the entire workplace to identify any factors or situations that may place employees at risk of violence
- Periodically seek employee feedback on the risk factors employees believe are present in the workplace, previous workplace violence incidents, etc.
- Developing and implementing risk reduction strategies and plans for responding to acts of violence
- Coordinating employee training and education programs relating to workplace violence
- Semi-annual review of workplace violence incidents and forwarding to the Loss Control Committee any recommendations to reduce or eliminate the likelihood of similar incidents occurring in the future
- Reviewing the Workplace Violence Prevention Program at least annually, to include analyzing Workplace Violence Incident Reports to identify trends in the effectiveness of the mitigating actions taken
- Recommend any updates to the Workplace Violence Prevention Policy as needed

The Workplace Violence Advisory Team shall consist of representatives from the following: Safety, Law, Public Works, Sheriff's Office, Health & Human Services building, and labor groups.

5. Personnel Officer

The Personnel Officer is responsible for ensuring that new employees or transferred employees have a copy of the Workplace Violence Policy and Procedures made available to them and also ensuring that County employees receive the required initial training.

VI. Response Procedures

1. During an Incident

If a threatening situation arises:

- Try to remain calm.
- Remove yourself from the threat as soon as possible.

- Immediately call or alert others call appropriate help (e.g., police, supervisor, ambulance) to obtain immediate on-site assistance.
- If appropriate, evacuate in accordance with County Policy 31.
- Notify co-workers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

2. Post Incident

If a workplace violence incident occurs or an employee submits a Workplace Violence Incident Report, the Safety Officer, or his/her designee, in conjunction with the County Attorney and Personnel Officer will conduct an investigation. Tioga County will respect the privacy and confidentiality rights of employees during investigations to the greatest extent possible, although the County cannot guarantee complete confidentiality.

Based on the specific situation and the results of the investigation, appropriate measures may be taken, if needed, to eliminate or reduce the likelihood of similar workplace violence incidents occurring in the future. Throughout the investigation, the County will attempt to maintain open lines of communication with employees, visitors, and the public to answer any questions and alleviate anxiety.

VII. Reporting Procedures

1. Recordkeeping

Tioga County will strive to maintain accurate records regarding all workplace violence incidents. The County will adhere to all the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of workplace violence incident as defined in Section III or any workplace violence injury that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness will be documented on a Workplace Violence Incident Report (Form 1). Any recordable injury will also be documented on the SH 900 Log.

2. Incident Reporting

The County will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents. Any workplace violence incident that has been reported may be of a criminal or domestic violence nature will, to the extent practical, be immediately reported to the appropriate police authorities or be handled in accordance with this Policy.

Internal Workplace Violence Incident Reporting Procedures

Any employee or authorized employee representative who believes that a workplace violence imminent danger exists or that there has otherwise been a violation of the County's Workplace Violence Prevention Policy shall report such to the employee's Department Head. If the Department Head is unavailable or is a party to the violation, the report shall be made to the County Attorney or Personnel Officer.

An employee is responsible for reporting all incidents of Level I violence in writing within 48 hours of the occurrence using the Workplace Violence Incident Report Form (Form 1). All Level II and Level III incidents must be reported immediately using Form 1.

The Department Head is responsible for forwarding copies of the Workplace Violence Incident Report to the County Safety Officer. If the Safety Officer is unavailable or a party to the violation, the Report shall be forwarded to the County Attorney or Personnel Officer. All Level II and Level III incidents must be forwarded immediately and all Level I incidents must be forwarded within 48 hours.

An employee is not required to provide written notice to the Department Head or the County Attorney if a workplace violence imminent danger exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting this information to the Department Head or the County Attorney would not result in corrective action.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

Law Enforcement Reporting Procedures

The County Attorney is responsible, to the extent practical, for reporting any workplace violence incident that may be of a criminal or domestic violence nature to the appropriate law enforcement agency.

If a pattern of workplace violence incidents involving criminal conduct or serious injury develops, the County will work with the District Attorney or local police department to develop a protocol to ensure that any future violent crimes occurring in the workplace are promptly investigated and appropriately prosecuted.

If an employee chooses to file a criminal complaint, the County will provide the employee with the protocol and contact information for the District Attorney and/or Police Department.

VIII. Incident Investigation

1. Risk Evaluation After a Workplace Violence Incident

The Safety Officer, or his/her designee, will perform a risk evaluation and determination immediately after the occurrence of a workplace violence incident. The investigation may take various forms, depending upon the type of incident.

Upon completion of the review, the Safety Officer, or his/her designee, will address the cause(s) of the incident and take the necessary steps to eliminate or reduce the likelihood of such an incident occurring again. The Safety Officer may also make recommendations for revising the Workplace Violence Prevention Policy. Any revisions to the policy will be put in writing and made available to employees. Employee training will be provided if significant changes to the policy are made. The County will also consider global prevention enhancements at all work sites which may be necessary to properly protect employees.

2. Annual Review of Workplace Violence Incident Reports

The Workplace Violence Advisory Team, or its designee, is responsible for reviewing and updating the County's Workplace Violence Prevention Policy at least annually. Part of this review will include summarizing the Workplace Violence Incident Reports and SH 900 Logs from the previous 12 months so they can be analyzed for any trends in the types of

workplace violence incidents occurring and to review the effectiveness of the mitigating actions the County has taken.

IX. Training and Education

All employees will receive training and education on the risk of workplace violence. Training will be provided at the time of hire and at least annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the County makes significant changes in this policy. At a minimum training shall address the following:

- The requirements and risk factors in their workplace that were identified in the risk evaluation and determination, except there will be no disclosure of the information otherwise kept confidential for security reasons;
- The measures that employees can take to protect themselves from the identified risks, including specific procedures that the county has implemented to protect employees such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and/or other devices;
- The location of the written workplace violence program and how to obtain a copy, and shall make it available for reference to employees, authorized employee representatives and the supervisor in the work area during the regular work hours.

Upon hire, employees will receive a copy of the County's Policy and will be required to sign a Policy Acknowledgement Form (Form 2) and a Training Acknowledgement Form (Form 3). The signed Form 2 will be placed in the employee's personnel file, and signed Form 3 will be filed with the Safety Officer.

X. Workplace Risk Evaluation

As required by Section 27-b of the NYS Labor Law, the County conducted an evaluation of the workplace in general, and each worksite specifically, to identify existing or potential hazards that might place employees at risk of workplace violence.

The following risk factors, locations and applicability in Tioga County are listed below:

1. Working in public settings: applies to all County locations and personnel.
2. Working late night or early morning hours: applies to personnel at the County Office building, Court Annex/County Clerk's building, Health and Human Services building, Public Safety Building, Highway Department, Buildings & Grounds, and Mental Hygiene in Waverly.
3. Exchanging money with the public: applies to personnel at the County Office building, Public Safety building, Court Annex/County Clerk's building, Health and Human Services building, and Mental Health in Waverly.
4. Working alone or in small numbers: applies to personnel at all County Office buildings. It also applies to personnel who do County work off County premises.
5. Uncontrolled access to the workplace: applies to personnel at the County Office buildings or sites with unrestricted access.
6. Areas of previous security problems include the County Office building and Health and Human Services building.

XI. Methods for Hazard Prevention and Control

1. It is the policy of the County to make high risk areas more visible, install additional lighting where needed, post signs where necessary, train employees on conflict resolution and maintain a response system through the Sheriff's Department.
2. The hierarchy of controls to be used is:
 - Engineering Controls.
 - Administrative Controls.
 - Personal Protective Equipment.
3. It is also the County's policy to use input from a variety of sources including, but not limited to: employee security surveys, self-assessments, Sheriff's Department recommendations and lessons learned from other entities to effect changes that make the County's work areas and personnel as safe as possible.

SECTION 2 – DISCRIMINATORY HARASSMENT POLICY**I. Policy Statement**

It is the policy of the County of Tioga to provide and maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct), race, color, religion, national origin, age, disability, sexual orientation and any other class protected by law (collectively referred to as “discriminatory harassment” or “harassment”). Harassment based on these characteristics is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

The County of Tioga will take appropriate steps to prevent and correct unlawful harassment and discrimination as defined by both federal and state law. The federal laws include Title VII of the Civil Rights Act, the Age

Discrimination in Employment Act, and the Americans with Disabilities Act. The state law is the New York State Human Rights Law.

The County of Tioga considers discriminatory harassment to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

This policy applies to all applicants and employees of the County of Tioga and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the County (e.g., an outside vendor, consultant or citizen).

Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

All information gathered during an investigation of a harassment complaint will be handled in a confidential manner, to the extent possible.

Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy which may result in disciplinary action.

This Policy does not preclude the filing of discriminatory harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by law.

II. Definitions

1. "Sexual Harassment" is defined as:

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment (e.g., promotion, training, assignments, etc. . .);
- B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions (e.g., hiring, evaluation, promotion) affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to:

- Spoken or written words related to an employee's sex
- Any sexual advance that is unwelcome
- Sexually oriented comments
- Showing or displaying pornographic or sexually explicit objects or pictures in the workplace
- Offensive touching, patting or pinching
- Requests for sexual acts or favors
- Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
- Threats, demands or suggestions that an employee's work status is contingent upon her/his toleration of or acquiescence to sexual advances
- Subtle pressure for sexual activities

- Leering at a person

Sexual harassment is gender neutral and may involve members of the same or different gender.

2. Other unlawful harassment:

Harassment on the basis of any other protected characteristic is also prohibited. Under this policy, prohibited harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, sexual orientation or marital status (and any other class protected by law) , and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

3. Other Unacceptable Conduct:

This policy also prohibits conduct of one employee toward another that may not rise to the level of discrimination or harassment in violation of the law, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Teasing, ridicule, and other conduct intended to annoy, personally attack, belittle or embarrass

another individual is inappropriate and also unacceptable in the workplace. Therefore, the County encourages the use of its complaint procedure by employees who believe they have been subject to inappropriate conduct by another employee, even if such conduct may not be harassment or discrimination per se. The County endeavors to create an environment in which employees may feel free to raise concerns and are confident that those concerns will be addressed.

III. Responsibilities

1. Managerial and Supervisory Personnel

All managerial and supervisory personnel of the County of Tioga shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discriminatory harassment and its effects. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

All managerial and supervisory personnel who receive discriminatory harassment complaints will be responsible for reporting such in accordance with Section IV.2 below.

2. The County

The County of Tioga will conduct periodic training for managerial and supervisory personnel in each Department of the County on the issues surrounding discriminatory harassment, its effects and its appearances, and the role and responsibility of managerial/supervisory personnel in preventing incidents of harassment complaints.

The County of Tioga shall distribute this Policy to all County employees and all others covered by its parameters. Copies of this Policy will be distributed to new employees as they are hired.

Copies of this Policy will be conspicuously posted.

IV. Reporting and Resolution Procedures

1. If an individual is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, the County recommends that the employee confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated. Note that neither this policy nor state/federal law requires that an individual tell an alleged harasser to stop his/her actions. Employees should feel free to keep written records of any alleged sexual harassment incidents, including the date, time, location, names of people involved, witnesses (if any), and who said or did what to whom.
2. A written or verbal complaint should be filed by the affected employee with the employee's immediate supervisor. The supervisor will immediately forward the complaint to the Department Head. In the event the employee does not believe it would be appropriate to file the complaint

with the immediate supervisor, it may be filed directly to the appropriate Department Head or to the County's Personnel Officer. If the Department Head is unavailable or a party to the violation, the supervisor shall forward the complaint to the Personnel Officer or County Attorney.

V. Complaint Investigation

1. Harassment complaints should be investigated as promptly as possible and resolved within a reasonable time after the receipt of the complaint. **The Office of the County Attorney** and with the oversight of the Personnel Officer and/or their designee(s) will coordinate an investigation of the complaint. Following the investigation, **the County Attorney and/or his/her designee(s)** may issue a written report of findings and conclusions.
2. Thereafter, any conclusions may be issued from the the County Attorney and/or his/her designee(s), in writing, back to the complainant.
3. Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is strictly forbidden. Retaliation, like discrimination and harassment, is against the law and is a serious violation of this Policy. Employees who retaliate against other employees who complain about harassment and/or participate in investigation of harassment may be subject to disciplinary action.

VI. Response Procedures

1. In the event a complaint of discriminatory harassment is determined to be founded, the County may take disciplinary action in accordance with the provisions of applicable collective bargaining agreements and/or state law, if applicable.
2. If disciplinary charges are filed against an employee on the grounds that the County has determined the employee is guilty of unlawful harassment, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her labor contract and/or state law, if applicable.
3. Reporting of a false complaint is a serious act. In the event it is found that the individual bringing the complaint has knowingly made false accusations, the County will take action in accordance with the provisions of the applicable collective bargaining agreement and/or state law, if applicable.

SECTION 3 - FORMS

The following forms are to be used in administering Tioga County's Workplace Violence Prevention Program and Discriminatory Harassment Policy:

- **Form 1:** Workplace Violence Incident Report Form
- **Form 2:** Workplace Violence Prevention Program Policy Acknowledgement Form
- **Form 3:** Workplace Violence Prevention Program Training Acknowledgement Form
- **Form 4:** Discriminatory Harassment Complaint Form
- **Form 5:** Notice of Withdrawal of Complaint of Discriminatory Harassment

**TIOGA COUNTY
WORKPLACE VIOLENCE INCIDENT REPORT (FORM 1)**

This form is to be used to document any reportable workplace violence incident. This form is to be completed and forwarded to the Safety Officer within the timeframe outlined in Section VII of the Workplace Violence Prevention Policy.

Today's Date _____
 Date of Incident _____
 Time of Incident _____
 Case Number _____

Employee Name _____
 Title _____
 Workplace Location _____

Name/Title of Individual Completing this Report _____
 Date Report Received by County Attorney _____
 County Attorney Name/Signature _____

(DSS ONLY: Attach a WMS or CSMS inquiry screen, if available)

Check the Type of Violence the victim experienced (Levels I, II or III):

Level I Violence:

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Intimidation | <input type="checkbox"/> Bullying | <input type="checkbox"/> Verbal abuse |
| <input type="checkbox"/> Minimal Harassment | <input type="checkbox"/> Shouting | <input type="checkbox"/> Swearing |
| <input type="checkbox"/> Obscene gestures | <input type="checkbox"/> False statements | <input type="checkbox"/> Other |

Level II Violence:

- | | | |
|---|---|---|
| <input type="checkbox"/> Psychological trauma | <input type="checkbox"/> Swore at directly | <input type="checkbox"/> Obscene calls |
| <input type="checkbox"/> Threats of assault | <input type="checkbox"/> Shouted at directly | <input type="checkbox"/> Suicide threat |
| <input type="checkbox"/> Advanced harassment | <input type="checkbox"/> Being followed/stalked | <input type="checkbox"/> Other |

Level III Violence:

- | | | |
|--|---|-----------------------------------|
| <input type="checkbox"/> Shooting | <input type="checkbox"/> Stabbing | <input type="checkbox"/> Grabbing |
| <input type="checkbox"/> Striking with an object | <input type="checkbox"/> Throwing objects | <input type="checkbox"/> Pushing |
| <input type="checkbox"/> Sexual assault | <input type="checkbox"/> Homicide | <input type="checkbox"/> Other |

Detailed Incident Description (Including what happened immediately prior to the incident and how the incident ended):

Names and job titles of involved employees:

Names or identifiers of individuals involved (non-employee):

Extent of injuries, if any:

Name(s)/Title(s)/Phone Numbers of Any Potential Witness(es):

What was the immediate action taken?

Police Notified?: _____ YES _____ NO

Police Department _____

Name of Officer _____

Date _____

Time _____

Police Report Number (If applicable) _____

Did you lose any work days? YES NO If so, how many? _____

Have you received counseling since this incident? YES NO

Did you have any reason to believe that this incident might occur?

YES NO

Has Tioga County taken measures to avert this incident from occurring in the future, that you are aware of? If so, describe the actions Tioga County has or is in the process of taking to mitigate future incidents (list time table for correction, interim protective measures and any global prevention enhancements for similar worksites which are apparent:

Signature

Date

**TIOGA COUNTY
WORKPLACE VIOLENCE PREVENTION PROGRAM POLICY ACKNOWLEDGEMENT
FORM (FORM 2)**

I hereby acknowledge that I have received a copy of Tioga County's Workplace Violence Prevention Policy outlining the County's policy, objectives, procedures, and regulations regarding violence in the workplace. I further acknowledge that I have read or will read the content of the Policy and will contact my Department Head or supervisor with any questions.

I understand the objectives, procedures and regulations in this Policy will remain in effect unless changes become necessary.

I understand that Tioga County reserves the right to interpret, add to, or revise any part of this Policy, consistent with statutory requirements. Moreover, this Policy may be subject to alteration by changes in federal or state legislation, rules, and/or regulations.

I agree to abide by Tioga County's Workplace Violence policies and procedural requirements.

EMPLOYEE NAME (PLEASE PRINT)

EMPLOYEE SIGNATURE

DATE OF SIGNATURE

A copy of this form is to be placed in the employee's personnel file.

**TIOGA COUNTY
WORKPLACE VIOLENCE PREVENTION PROGRAM TRAINING ACKNOWLEDGEMENT
(FORM 3)**

I hereby acknowledge that I have received training on the dangers of workplace violence, identified risk factors and available prevention methods, and my responsibilities and rights with respect to addressing the potential for workplace violence. I have been informed of the County's policy regarding workplace violence and the program and procedures in place to minimize risks.

DATE OF TRAINING

EMPLOYEE NAME (PLEASE PRINT)

SIGNATURE OF EMPLOYEE

DATE OF SIGNATURE

A copy of this form is to be filed with the Safety Officer

**TIOGA COUNTY
DISCRIMINATORY HARASSMENT COMPLAINT FORM (FORM 4)**

(Submit to Department Head and/or Personnel Officer)

This form may be used to file a charge of harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and County Policy.

It in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name _____
 Phone Number _____
 Residence _____
 Mailing Address (if different from residence) _____
 City _____ State _____ Zip Code _____

2. Department _____

3. Have you filed this charge with a Federal, State or local government agency?

YES/NO: _____ When _____ Where _____
 (Month/Day/Year)

Have you instituted a suit or court action on this charge?

YES/NO: _____ When _____ Where _____
 (Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A COUNTY
 REVIEW OF YOUR COMPLAINT)

4. Alleged Discrimination Occurred on or about:

Month: _____ Day: _____ Year: _____ Time: _____

Is this alleged discrimination continuing: YES _____ NO _____

Describe the alleged act of harassment. **Use additional sheets if necessary.**

5. Indicate the name(s) of the alleged harasser(s):

6. State the name(s) of any potential witness(es):

7. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____

(Signature)

-INFORMATION PROVIDED HEREIN WILL BE CONFIDENTIALLY MAINTAINED-

**TIOGA COUNTY
NOTICE OF WITHDRAWAL OF COMPLAINT OF DISCRIMINATORY HARASSMENT
(FORM 5)**

COMPLAINANT'S NAME: _____

TITLE AND DEPARTMENT: _____

DATE COMPLAINT FILED: _____

DEPARTMENT HEAD NOTIFIED: _____

I hereby withdraw this complaint and agree that no further internal action is required.

Complainant's Signature

Date

cc: Personnel Officer

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Standinger, Sullivan, Weston, and Case.

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PERSONNEL COMMITTEE
 LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 49-14 *AUTHORIZE SALARY FOR ACCOUNTANT
 (TREASURER'S OFFICE)*

WHEREAS: Resolution 338-13 authorized the County Treasurer to create the position of Accountant (Salary Range \$34,047–44,047), and authorized filling of the position on or after January 2, 2014; and

WHEREAS: The Treasurer, with assistance from the Chief Accountant, has selected a candidate who meets the qualifications and is willing to accept provisional appointment to the Accountant position; therefore be it

RESOLVED: That Shelby Pitcher is provisionally appointed to the full-time position of Accountant effective March 3, 2014 at an annual salary of \$42,000.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRING TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 50-14 RECLASSIFY VACANT POSITION; AUTHORIZE
WAIVER OF 90-DAY HIRING DELAY
MENTAL HYGIENE

WHEREAS: Legislative approval is required for all position reclassifications and waivers of 90-day hiring delay; and

WHEREAS: One Clinical Supervisor position (CSEA Salary Grade XVIII) became vacant on January 27, 2014 due to the resignation of the incumbent; and

WHEREAS: The Director of Community Services has reviewed the staffing needs within the Mental Hygiene Department and has determined that said vacancy would be better utilized in the service of clients if the position was classified as a Clinical Social Worker; and

WHEREAS: Due to program needs, there is an immediate need to fill the vacancy as a Clinical Social Worker; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant, full-time Clinical Supervisor position (CSEA Salary Grade XVIII) to a full-time Clinical Social Worker (CSEA Salary Grade XVI); and be it further

RESOLVED: That the Director of Community Services is authorized a waiver of the 90-day delay in filling the full-time Clinical Social Worker position and is authorized to fill the position effective February 12, 2014 on a provisional basis, pending the outcome of the civil service examination.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case made a motion to have the following late-filed resolution considered, seconded by Legislator Hollenbeck and carried.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 51-14 *APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member Kristin Barnhardt expires as of March 31, 2016; and

WHEREAS: Kristin Barnhardt resigned in December 2013; and

WHEREAS: Kim Depew has expressed a desire to replace Kristin Barnhardt on the Tioga County Local Development Corporation and fill her unexpired term; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Kim Depew to the Tioga County Local Development Corporation to fill the unexpired term of Kristin Barnhardt effective 2/12/14 and said term will expire on 3/31/16.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:12 p.m.