

Agenda



TIOGA COUNTY LEGISLATURE

10/16/2018

12:00 PM

EDWARD D. HUBBARD AUDITORIUM
 RONALD E. DOUGHERTY COUNTY OFFICE BUILDING
 56 Main Street
 Owego NY 13827

Meeting called by:

Chair Martha Sauerbrey

Type of meeting:

10th Regular

Attendees:

Legislator Hollenbeck
 Legislator Huttleston
 Legislator Monell
 Legislator Mullen
 Legislator Roberts
 Chair/Legislator Sauerbrey
 Legislator Standinger
 Legislator Sullivan
 Legislator Weston

Agenda topics

Invocation
 Pledge of Allegiance

Legislator Roberts
 Legislator Roberts

Employee of 3rd Quarter 2018
 Recognition Resolutions (2)

Sheri McCall, Tioga Career Center
 Resolution Recognizing Robert Tatich Sheriff's Office
 Resolution Recognizing Judith Mallery Sheriff's Office

Proclamations (1)
 Privilege of the Floor

Dental Hygiene Month

<p>Approval of Minutes Petitions, Communications & Notices Appointments/Reappointments Reports Standing Committees</p>	<p>September 11, 2018</p>	
<p>RESOLUTIONS:</p>	<ol style="list-style-type: none"> 1. Set Public Hearing 2019 Budget 2. Appropriation of Funds Mental Hygiene 3. Transfer Funds from Contingency and Amend Highway Maintenance Budget 4. Transfer Funds from Contingency and Amend Cinders/Salt Budget 5. Appropriation of Funds 2018 Homeland Security Grant Modify 2018 Budget Office of Emergency Services Sheriff's Office 6. Authorize Acceptance of a 2018 NYS Legislative Grant (LG18-1352-D00), Appropriate Funds and Amend 2018 Budget 7. Amend Budget & Transfer of Funds Public Health 8. Appropriation of Funds Social Services 9. Authorize Grant Application Appropriation of Funds Mental Hygiene and Amend 2018 Budget 10. Approve Funding 2018 Youth Bureau Program 11. Authorize the submission of EMPG 18 Grant Application Office of Emergency Services 12. Filing of an Application for State Grant from DEC Municipal Waste Reduction and Recycling (MWRR) Program 13. Requesting Tioga County Veterans' Service Agency be allowed to pursue a Grant known as Operation Deep Drive 14. Authorize Contract with NYS Unified Court System 15. Resolution to Approve a Contract between the Tioga County Probation Dept. and Buddi US, LLC 16. Authorize Inter-Municipal Agreement 17. Authorize Agreement for replacement of County fiber optic lines 18. Authorization to proceed with Shared Services Agreements 19. Adoption of Sexual Harassment Prevention Policy 20. Authorize Continuance of Full-Time, Highway Workers (Seasonal) Position Public Works 21. Appointment of Republican Election Commissioner 	

REFERRING TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

RESOLUTION RECOGNIZING
ROBERT TATICH'S
15 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY

WHEREAS: Robert Tatich was appointed as a part-time Corrections Officer on 8/25/03; Reassigned as a full-time Corrections Officer on 7/24/04; and

WHEREAS: Robert Tatich has been dedicated and loyal in the performance of his duties and responsibilities during the past 15 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Robert Tatich will retire from the Tioga County Sheriff's Office on October 29, 2018; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Robert Tatich for his 15 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Robert Tatich.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

RESOLUTION RECOGNIZING
JUDITH MALLERY'S
17 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY

WHEREAS: Judith Mallery was appointed as an E911 Dispatcher on 10/13/01; and

WHEREAS: Judith Mallery has been dedicated and loyal in the performance of her duties and responsibilities during the past 17 years to Tioga County, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Judith Mallery will retire from the Tioga County Sheriff's Office on October 14, 2018; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Judith Mallery for her 17 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Judith Mallery.

**County of Tioga
EXECUTIVE PROCLAMATION**

WHEREAS: October is nationally recognized as Dental Hygiene Month; and

WHEREAS: Good oral hygiene is important in the prevention of diseases such as oral cancer, gingivitis, periodontitis and tooth decay; and

WHEREAS: Tioga County Public Health reports that 50% of adults in Tioga County have lost at least one tooth due to poor oral hygiene; and

WHEREAS: Good oral hygiene begins with tooth brushing twice a day and flossing no less than once each day; and

WHEREAS: Choosing healthy foods and limiting sugary sweets such as candy and soda can help to keep diseases at bay; and

WHEREAS: Routine visits to a dental professional are important for dental cleanings and early disease detection; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of October 2018 as:

DENTAL HYGIENE MONTH

and urges all residents to take steps to educate themselves, their families, and the community to brush, floss and smile!

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -18

SET PUBLIC HEARING
2019 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2019 be held at 10:00 A.M., Tuesday, November 13, 2018 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 APPROPRIATION OF FUNDS
MENTAL HYGIENE

WHEREAS: The Suicide Coalition of Tioga County has received a gift donation; and Tioga County Department of Mental Hygiene is the administrator of these funds; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From:	A4322 427051	Gifts and Donations	\$ 2,530
To:	A4322 540010	Advertising	\$ 100
	A4322 540130	Contracting Services	\$ 100
	A4322 540360	Meals/Food	\$ 250
	A4322 540420	Office Supplies	\$ 100
	A4322 540485	Printing	\$ 100
	A4322 540640	Supplies Not Office	\$ 1750
	A4322 540733	Training	\$ 130

REFERRED TO:

PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18

TRANSFER FUNDS FROM CONTINGENCY
AND AMEND HIGHWAY MAINTENANCE
BUDGET

WHEREAS: Tioga County has experienced an unprecedented number of flash flooding events in the last 60 days; and

WHEREAS: Repairs to various affected roads were not budgeted for and have created a shortfall in the Highway Maintenance budget line; and

WHEREAS: The funds in this budget line were intended to complete planned projects; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer from contingency and a budget amendment as follows:

From: A1990.540175 Contingency Account	\$20,000.00
To: D5110.540240 Highway Maintenance	\$20,000.00

REFERRED TO:

PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18

TRANSFER FUNDS FROM CONTINGENCY
AND AMEND CINDERS/SALT BUDGET

WHEREAS: Tioga County experienced a large number of days that the roads had to be treated for snow and ice conditions during the first three months of 2018; and

WHEREAS: The cost of road salt has risen more than 20% over the last 5 years; and

WHEREAS: The funds in this budget line as well as our salt inventory have been exhausted; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer from contingency and a budget amendment as follows:

From: A1990.540175 Contingency Account	\$77,000.00
To: D5110.540602 Cinders/Salt	\$77,000.00

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18

APPROPRIATION OF FUNDS
2018 HOMELAND SECURITY GRANT
MODIFY 2018 BUDGET
OFFICE OF EMERGENCY SERVICES
SHERIFF'S OFFICE

WHEREAS: The New York State Office of Homeland Security Program (SHSP) has been awarded a grant of \$69,980 (contract #C973980) to the Tioga County Office of Emergency Management; and

WHEREAS: 75% (\$52,485) of said grant will be appropriated to Emergency Management and 25% (\$17,495) will be appropriated to the Sheriff's Office; and

WHEREAS: Appropriation of funds requires legislative approval; therefore be it

RESOLVED: That the 2018 NYS Homeland Security Grant (contract # C973980) be appropriated as follows:

H3360.433567 SHS18 Homeland Security 2018 Revenue	\$42,515
H3360.520060 SHS18 Homeland Security Grant – Car/Truck	\$42,515
A3360.433567 SHS18 Homeland Security 2018 Revenue	\$ 9,970
A3360.540140 SHS18 Homeland Security Grant–Contracting Services	\$ 9,970

AND:

A3361.433567 SHS18 Homeland Security 2018 Revenue	\$17,495
A3361.520215 SHS18 Homeland Security Grant–Personal Protective Equipment	\$17,495

And be it further

RESOLVED: That the 2018 Emergency Management budget and the Sheriff's Office budget be modified to reflect the above changes.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. AUTHORIZE ACCEPTANCE OF A
2018 NYS LEGISLATIVE GRANT
(LG18-1352-D00), APPROPRIATE
FUNDS AND AMEND 2018
BUDGET

WHEREAS: The Sheriff applied and was awarded a NYS Legislative Grant (LG18-1352-D00) in the amount of \$10,000; and

WHEREAS: This funding must be utilized to procure Tough Book Lab Top computer equipment for use as mobile data terminals; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the acceptance of this award; and be it further

RESOLVED: That the 2018 budget be modified and funds be appropriated to the following accounts:

Expense Account: A3110.520130 Sheriff – Equipment (Not Car)

Revenue Account: A3110.433952 Sheriff -State Aid

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 AMEND BUDGET & TRANSFER OF FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health Mobile Dental Services has need for additional contractual Dental Hygienist coverage; and

WHEREAS: Additional funding is needed in the appropriate budgetary lines; and

WHEREAS: Public Health has the funds available due to a Dental position vacancy, which will require resolution to transfer into the appropriate budgetary lines; and

WHEREAS: Budget Amendments and Transfer of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From:		
A4011 510010	Dental Services: Personnel	\$ 16,000
To:		
A4064 540130	Dental Services: Contracting Services	\$ 16,000

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. - APPROPRIATION OF FUNDS
SOCIAL SERVICES

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services for Non-Residential Domestic Violence Services; and

WHEREAS: A New Hope Center is the approved Non-Residential Domestic Violence Program in Tioga County; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Administration	\$ 30,474
To: A6010.540140 Contracting Services	\$ 30,474

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 AUTHORIZE GRANT APPLICATION
APPROPRIATION OF FUNDS MENTAL
HYGIENE
AND AMEND 2018 BUDGET

WHEREAS: The White House Office of National Drug Control Policy (ONDCP) and the Substance Abuse and Mental Health Services Administration (SAMHSA) have collaborated an effort to reduce substance abuse among youth; and

WHEREAS: Tioga County Mental Hygiene is seeking authorization to apply for and receive Federal Funding of this Drug Free Communities Grant in partnership with Trinity CASA, Tioga County Alcohol and Substance Abuse Prevention (TC ASAP) Community Coalition; and

WHEREAS: Tioga County Mental Hygiene has been awarded said grant and the said funds need to be appropriated; and

WHEREAS: The Department deems it to be in the best interest of the community and youth of Tioga County to accept this grant funding; and

WHEREAS: The grant will be awarded annually from 9/30/2018 through 9/29/2023 and this funding is designated for specific program deliverables; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That the grant funds be appropriated and the 2018 budget be amended as follows:

From: A4213 444863	Federal Aid DFC Grant	\$ 124,458
To: A4213 540590	Services Rendered	\$ 124,458

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. APPROVE FUNDING
2018 YOUTH BUREAU PROGRAM

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Bureau's 2018 program funding was initially approved by Resolution 111-18; and

WHEREAS: Additional funding is available in the 2018 Youth Bureau budget; and

WHEREAS: The Tioga County Youth Board, in consultation with the Department of Social Services, has recommended the following program for funding

Kali's Klub House 7 Step to Success	\$4,800
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Therefore be it

RESOLVED: That the above program, as recommended by the Tioga County Youth Board, be approved by the Tioga County Legislature for this increased funding in the amount indicated above.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

AUTHORIZE THE SUBMISSION OF
EMPG18 GRANT APPLICATION
OFFICE OF EMERGENCY SERVICES

WHEREAS: The NYS Office of Homeland Security and Emergency Services has announced the 2018 EMPG (Emergency Management Planning Grant) funding; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application is submitted. However, due to the short notification period, the Tioga County Office of Emergency Services had to submit an application for this funding by September 30, 2018; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be given authorization to apply for the 2018 EMPG grant application, after the fact, to be in compliance with county policy.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. -18

FILING OF AN APPLICATION FOR STATE
GRANT FROM DEC MUNICIPAL WASTE
REDUCTION AND RECYCLING (MWRR)
PROGRAM

WHEREAS: The State of New York announced a grant from the DEC municipal waste reduction and recycling (MWRR) program to assist counties and local governments with their waste reduction program expenses; and

WHEREAS: Through this grant Solid Waste would be partially reimbursed for their eligible costs of their MWRR program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sustainability Manager to apply and administer said grant via NYS Grants Gateway; and

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to sign the application via Grants Gateway for grant upon approval by the County Attorney.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. -18 REQUESTING TIOGA COUNTY VETERANS'
SERVICE AGENCY BE ALLOWED TO PURSUE
A GRANT KNOWN AS OPERATION DEEP
DIVE

WHEREAS: The America's Warrior Partnership in conjunction with the University of Alabama and the Bristol-Myers Squibb Foundation are offering \$10,000 grants to selected community groups for the purpose of championing an innovative, community-based veteran suicide prevention study known as Operation Deep Dive; and

WHEREAS: This community-based research project is designed to be led by and for our community, with direct and tangible benefits for local veterans through the process, and our leadership through this study could have a significant impact on reducing veteran suicides in our community and nationally; and

WHEREAS: Results from this research could help to identify community-specific risk factors, demonstrate where the community is already helping prevent suicides, and proactively address suicide warning signs. Findings from this study could be utilized to obtain further funding to implement innovative, community-specific programming focused on veteran suicide prevention and enhancing quality of life, to include prevention and outreach activities such as recreation or other life-enhancing or community-building veteran programs; and

WHEREAS: This project will involve creating a Community Action Team and involve direct funded support from America's Warrior Partnership in the form of materials and personnel; therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to pursue this grant application to conduct the Suicide Study and recruit necessary community partners for this project.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. -18

AUTHORIZE CONTRACT WITH NYS UNIFIED
COURT SYSTEM

WHEREAS: Tioga County is required by law to furnish and maintain adequate court facilities for use by trial courts of the State of New York; and

WHEREAS: Chapter 686 of the Laws of 1996 requires the State of New York to contract with political subdivisions of the State for cleaning as well as minor repairs of court facilities; therefore be it

RESOLVED: That the Tioga County Legislature authorizes Public Works to enter into a new five year agreement with the Unified Court System for court cleaning and minor repairs upon approval of the County Attorney and that the Chair of the Legislature be authorized to sign said agreement.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA
COUNTY PROBATION DEPT. AND
BUDDI US, LLC

WHEREAS: The Legislature has previously approved a contract between the Probation Department and Buddi, US, LLC companies for the use of Electronic Monitoring units to be used with youth and adults as an alternative to incarceration or an alternative to detention; and

WHEREAS: The Probation Department initiated a contract for electronic monitoring services from Buddi US, LLC at the cost of \$3.80 per day per device, with no fee for units on the shelf, and this contract may be auto-renewed yearly per the written contract; and

WHEREAS: The NYS Office of Children and Family Services (OCFS) has directed every county to create Alternative to Detention programming and Tioga Probation has utilized Electronic Monitoring as an Alternative to Detention and is part of Tioga's STSJP funding request to NYS OCFS and part of the Tioga County Raise the Age Comprehensive Plan that such services should be available to youth; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services in the amount of \$10,000 in account number A3142 540140 in the 2019 budget broken down as \$8,000 for adults and juvenile delinquents and \$2,000 for youth covered under the provisions of Raise the Age legislation; therefore be it

RESOLVED: That the Tioga County Probation Director is approved to continue the contract with Buddi, US, LLC to provide Electronic Monitoring hardware and internet accessible software for adults and juveniles to the Probation Department as part of the County's Alternative to Incarceration and Alternative to Detention programming.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. - 18 AUTHORIZE INTER-MUNICIPAL AGREEMENT

WHEREAS: New York State passed legislation as part of the 2017-2018 New York State Budget requiring implementation of new Raise the Age (RTA) laws by counties beginning on 10/1/18 with anticipated reimbursement of associated costs to counties; and

WHEREAS: A group of New York State counties are organizing to create the "Raise the Age Compliance Coalition" in accordance with Section 119-o of New York State General Municipal Law; and

WHEREAS: The RTA laws of New York State require counties to develop and have available various levels of juvenile detention; and

WHEREAS: Not-for Profit Corporation Law Section 1411 allows any one or more Counties of the State to create a Local Development Corporation to be incorporated by public officers or private individuals and operated for exclusively charitable or specific public purposes; and

WHEREAS: Tioga County is desirous of entering into an Inter-Municipal Agreement with a consortium of counties to create a Local Development Corporation for the purpose of recommending how to develop, establish, operate, maintain and fund a new joint county detention facility; and

WHEREAS: Participation in this Inter-Municipal Agreement will not bind the County to contribute funds or resources to acquire and/or construct any detention facility; therefore, be it

RESOLVED: That the Chairman of the County Legislature or her designee, upon review and approval by the County Attorney, be and hereby is authorized to sign an Inter-Municipal Agreement with a consortium of counties for the purposes listed above.

REFERRED TO:

ITCS COMMITTEE

RESOLUTION NO. -18

AUTHORIZE AGREEMENT FOR
REPLACEMENT OF COUNTY FIBER
OPTIC LINES

WHEREAS: The Tioga County Legislature recognizes the need to ensure that the infrastructure of the County's IT operations is kept up to date and in good repair; and

WHEREAS: The ITCS department has analyzed the existing fiber optic cabling currently in use between the 56 Main Street, 20 Court Street, 1062 State Route 38 (HHS) and 103 Corporate drive (Public Safety) buildings; and

WHEREAS: This analysis has determined that these cables are reaching the end of their projected 20 year lifespan; and

WHEREAS: The replacement cost of these lines is typically \$20,000 per mile, or approximately \$70,000; and

WHEREAS: Tioga County has received a proposal for upgrade and replacement of these fiber optic lines from Plexicomm, LLC with new 72-strand armored cabling at no direct cost to the County with Plexicomm handling future maintenance; and

WHEREAS: A Memorandum Of Understanding would be signed with Plexicomm giving Plexicomm use of 48 strands of fiber for the life of the fiber; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign appropriate paperwork for an MOU with Plexicomm, LLC for the above-described agreement, per review and approval by the County Attorney.

REFERRED TO:

ITCS COMMITTEE

RESOLUTION NO. -18

AUTHORIZATION TO PROCEED WITH
SHARED SERVICES AGREEMENTS

WHEREAS: The Tioga County Legislature recognizes the need to maintain efficient government operations and achieve cost savings for services where applicable; and

WHEREAS: Through the 2018 Shared Services Plan Information Technology services has been identified as a project that meets the criteria of increasing service efficiency and achieving cost savings; and

WHEREAS: The Tioga County ITCS department has conducted extensive work with the municipalities of Owego (Town), Nichols (Village), Waverly (Village) and Barton (Town) to identify and plan a shared IT services arrangement to be implemented in 2019; and

WHEREAS: This process has identified that implementing shared services with municipalities will achieve a cost savings for the municipalities and provide revenue to the County to offset existing service costs; and

WHEREAS: It is understood that additional municipalities will seek shared services arrangements in the future; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign paperwork associated with the shared services agreements for constituent municipalities and agencies within the county, each contingent upon review and approval by the County Attorney and the Director of ITCS.

REFERRED TO:

LEGAL/FINANCE AND PERSONNEL

RESOLUTION NO. -18

ADOPTION OF SEXUAL
HARASSMENT PREVENTION
POLICY

WHEREAS: The 2019 New York State Budget included multi-pronged legislation to combat sexual harassment in the workplace; and

WHEREAS: As a result of this legislation, Tioga County must have a stand-alone sexual harassment policy which includes the minimum standards as set forth in the model policy established by New York State in consultation with the Department of Labor and Division of Human Rights, and train employees in accordance with the new guidelines; and

WHEREAS: Tioga County currently does not have a stand-alone sexual harassment policy; and

WHEREAS: A new stand-alone sexual harassment policy has been written for Tioga County based on the model policy established by New York State; now therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the new stand-alone sexual harassment policy to be known as "Sexual Harassment Prevention Policy for Tioga County" as follows:

TIOGA COUNTY SEXUAL HARASSMENT PREVENTION POLICY**I. POLICY STATEMENT**

Tioga County is committed to maintaining a workplace free from sexual harassment. Sexual harassment, which includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, is a form of workplace discrimination. Sexual harassment is considered a serious form of employee misconduct. All employees, interns, volunteers, and non-employees are required to work in a manner that prevents sexual harassment in the workplace. Any employee, intern, volunteer, or non-employee in the workplace who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy is one component of Tioga County's commitment to a discrimination-free work environment.¹

Sexual harassment is against the law. All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with Tioga County, and/or with a government agency or in court under federal, state or local antidiscrimination laws.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Tioga County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Those covered by this Policy who engage in sexual harassment, and managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to remedial action or discipline in accordance with law or an applicable Collective Bargaining Agreement.

This Policy also prohibits retaliation against individuals who report or complain of sexual harassment or participate in the investigation of a sexual harassment complaint, as further described herein.

Complaints of sexual harassment must be submitted to the Compliance Officer: The Personnel Officer or the County Attorney. In the event that the Compliance Officer is the subject of the complaint, complaints must be made to the Tioga County Legislative Chair. Tioga County will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever Tioga County or its supervisory or managerial personnel receives a complaint about sexual harassment or retaliation, or otherwise knows of possible sexual harassment occurring. Tioga County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

¹ Note that other forms of discrimination, as well as harassment based on protected classes or characteristics other than those covered under this policy are covered separately under Tioga County's Discrimination and Discriminatory Harassment Policy.

All employees, interns, volunteers, and non-employees are to report any harassment or behaviors that violate this Policy. Tioga County will provide a complaint form for the reporting of harassment and to file complaints. Managers and supervisors are **required** to report **any** complaint that they receive, or any harassment that they observe or become aware of in the workplace. Such reporting must be in written form to the Compliance Officer. Confronting the harasser is not required but is encouraged if the complainant feels it is possible and safe to do so. Anyone covered by this Policy has the right to file a good faith complaint without first communicating with the offender.

SCOPE

- A. Who is covered by this Policy?** This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteers, non-employees and persons conducting business with Tioga County².
- B. Who can be a target of sexual harassment?** Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees who provide services in the workplace. This Policy also protects volunteers of Tioga County.
- C. Who can be a sexual harasser:** A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor, or anyone with whom the person interacts while conducting their job duties.
- D. Where can sexual harassment occur?** Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees, interns and/or volunteers are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute or contribute to unlawful workplace harassment, even if occurring away from the workplace premises or not during work hours.

II. DEFINITIONS OF PROHIBITED CONDUCT

A. What is sexual harassment?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- o Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating,

² Non-employees, as defined by law, includes contractors, vendors and consultants or those who are employees of the contractor, vendor or consultant.

- hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
 - Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, and/or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to offer job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Anyone subject to and/or covered by this Policy who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

B. Examples of sexual harassment

Sexual harassment under the law and prohibited by this Policy may include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; rape, sexual battery, molestation or attempts to commit these assaults (which should be reported to local authorities as promptly as is possible).
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other employment benefits or detriments; subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace or in a work-related gathering or setting.
- Hostile actions taken against an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

C. Retaliation

In addition to sexual harassment, retaliation for opposing or complaining of sexual harassment or participating in investigations of sexual harassment is prohibited by law and prohibited under this Policy. No person covered by this Policy shall be subjected to such unlawful retaliation. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

The New York State Human Rights Law and this Policy protect any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under this Policy, the State Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to Tioga County (including a supervisor or manager) or by simply informing a supervisor or manager of harassment;
- reported that another employee, intern, volunteer or non-employee covered by this Policy has been sexually harassed; or
- encouraged a fellow employee, intern, volunteer and/or non-employee covered by this Policy to report harassment.

Employees, interns, volunteers, and non-employees who believe they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized to investigate a complaint of sexual harassment. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.) Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to

and including termination, and/or other corrective or remedial action as necessary.

III. REPORTING PROCEDURES AND RESPONSIBILITIES

A. Reporting Procedures

Preventing sexual harassment is everyone's responsibility. Tioga County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is strongly encouraged to report such behavior to the Compliance Officer set forth below. Anyone who witnesses or becomes aware of potential or perceived instances of sexual harassment should also report such behavior to the Compliance Officer.

- Compliance Officer: The Personnel Officer or the County Attorney
- In the event that the Compliance Officer is the subject of the complaint, complaints are to be made to the Tioga County Legislative Chair

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of sexual harassment. Individuals should feel free to keep written records of any actions which may constitute sexual harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Reports of sexual harassment may be made verbally or in writing. If made verbally, the Complaint must be reduced to writing by the individual who it was reported to. The written report must be given to the Compliance Officer. A form for submission of a written complaint can be found on the **County's Intranet** under "**Employee Handbook – EH Forms**", and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting sexual harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is on another person's behalf.

Employees, interns, volunteers or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

B. Supervisory Responsibilities

All managerial and supervisory personnel of Tioga County shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from sexual harassment and retaliation. In addition to being subject to discipline or other remedial action if they engaged in sexually harassing conduct themselves, **all supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any**

reason suspect that sexual harassment is occurring, are required to report same in writing, to the Compliance Officer. Supervisors and managers will be subject to discipline (or other remedial and appropriate action) for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline or other appropriate remedial action for engaging in retaliation.

C. Tioga County's Responsibilities

Tioga County will be responsible for ensuring that this Policy is provided to employees, interns, and volunteers, and that training on this Sexual Harassment Prevention Policy is conducted annually.

IV. INVESTIGATION AND RESPONSE PROCEDURES

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commencing immediately and completed as soon as possible. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded appropriate due process to protect their rights to a fair and impartial investigation.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected sexual harassment. As further set forth herein, Tioga County will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

All investigations will be conducted by the Compliance Officer or their designee. The nature of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted by the Compliance Officer or their designee in accordance with the following steps:

- Upon receipt of complaint, the Compliance Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create (at a minimum) written documentation of the investigation (such

as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Compliance Officer or their designee will make a Final Determination as to whether the Policy has been violated.

The Compliance Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge externally as outlined below.³

If a complaint of sexual harassment or retaliation is determined to be founded, Tioga County may take disciplinary and/or corrective action. The Compliance Officer will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

V. REIMBURSEMENT

Any employee who has been subject to a judgement of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse Tioga County for any monies it paid to a complainant for what was found to be the employee's proportionate share of said judgement. These reimbursements must be made within ninety (90) days from payment by Tioga County to the Complainant. A failure to reimburse will result in the sum being withheld directly from the employee's compensation or through enforcement of a money judgement.

VI. FURTHER CONFIDENTIALITY AND DISCLOSURE

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, Tioga County shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees and the workplace setting. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality

³ Where a complaint was filed regarding sexual harassment against an individual other than the person making the written complaint, the person against whom the harassment was directed will be treated as the complainant for purposes of this Policy.

requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, Tioga County may be required by law to contact and cooperate with the appropriate law enforcement authorities.

The terms of any settlement or other resolution are subject to disclosure UNLESS the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.

VII. FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, Tioga County may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law

VIII. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by Tioga County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Tioga County, individuals may also choose to pursue legal remedies with the following governmental entities **at any time**.

A. New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with Division of Human Rights or in New York State Supreme Court. Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Tioga County does not extend the time for filing a complaint with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to act to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

B. United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an individual believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

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

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

D. Contact the Local Police Department

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

REFERRED TO: PUBLIC WORKS
PERSONNEL COMMITTEE

RESOLUTION NO. -18 AUTHORIZE CONTINUANCE OF
FULL-TIME, HIGHWAY WORKER
(SEASONAL) POSITION
PUBLIC WORKS

WHEREAS: Resolutions 123-18 and 149-18 authorized the creation and filling of a full-time, Highway Worker (Seasonal) position in the Tioga County Department of Public Works from May 16, 2018 through October 12, 2018; and

WHEREAS: Due to an extended leave of absence of another staff person, the Commissioner of Public Works would like to extend the duration of said temporary position in order to adequately staff his department; therefore be it

RESOLVED: That the Tioga County Legislature authorizes Cody Feeko's employment as a full-time, Highway Worker (Seasonal) shall continue beyond October 12, 2018 and end at the close of business on December 3, 2018.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. - 18 APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Bernadette M. Toombs be and hereby is appointed Election Commissioner for the Republican Party from January 1, 2019 through December 31, 2020.