



FINANCE, LEGAL & SAFETY COMMITTEE

April 11, 2023

10:30 a.m.

- APPROVAL OF MINUTES: March 14, 2023

- FINANCIAL
 - Safety
 - Law

- OLD BUSINESS
 - Litigation
 - Ethics Board
 - Accessible Parking Education
 - Annual policy review and attestation
 - AED maintenance
 - Ethics Board openings
 - Equitable Retention Mortgage Assistance Program (ERMA)
 - Ongoing Projects

- NEW BUSINESS
 - Amended policies
 - Fair Housing Month
 - Resolutions
 - Hearing conservation testing and training
 - In Rem Service
 - Building Coordinator Program
 - Security Station

- PERSONNEL

- RESOLUTIONS
 - AUTHORIZE CONTRACT WITH ACCORD, A CENTER FOR DISPUTE RESOLUTION, INC. FOR OFFICE SPACE

- AMEND EMPLOYEE HANDBOOK: SECTION IV. PERSONNEL RULES, SUBSECTION R. ENTITLED TIOGA COUNTY SEXUAL HARASSMENT PREVENTION POLICY
 - AUTHORIZATION TO JOIN AND PARTICIPATE IN NEW NATIONAL OPIOID SETTLEMENTS WITH CVS, WALGREENS, AND WALMART CONCERNING CLAIMS RELATED TO THE OPIOID CRISIS
 - RESOLUTION TO APPROVE AND ENTER INTO A MOU WITH THE TOWN OF OWEGO FOR CDL DRUG TESTING
 - AMEND RESOLUTION NO. 124-23; ESTABLISH NEW BUDGET LINE, REQUEST AND TRANSFER RESERVE FUNDS, AND MODIFY 2023 BUDGET SAFETY OFFICE
 - TRANSFER OF FUNDS 2023 BUDGET MODIFICATION COUNTY LIABILITY INSURANCE FUND
 - AUTHORIZE ACCEPTANCE OF YEAR FIVE FUNDING FROM THE NYS OFFICE OF INDIGENT LEGAL SERVICES AND ACCEPT YEAR FIVE FUNDING FOR HURRELL-HARRING GRANT AND AMEND 2023 BUDGET
- PROCLAMATIONS
 - Fair Housing Month
 - EXECUTIVE SESSION
 -
 - ADJOURNMENT

Office of the County Attorney

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

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 www.TiogaCountyNY.com



FINANCE, LEGAL AND SAFETY COMMITTEE

March 14, 2023

10:30 A.M.

ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Flesher, Brown, Mullen, Monell, Standinger, and Roberts

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Chief Accountant Jerzak, Accountant Schurter, Safety Officer Holbrook, Public Health Director of Administration Services McCann, and Interim Director of Public Health Vroman

APPROVAL OF MINUTES: Legislator Ciotoli asked for a motion to approve the February 14, 2023 minutes. Legislator Mullen made the motion seconded by Legislator Monell and was unanimously carried.

FINANCIAL: Legal's budget is tracking well with no unexpected expenditures. Safety's budget will possibly need to be adjusted to ensure compliance with issues recently identified.

OLD BUSINESS:

- Litigation is moving forward. No new formal claims were presented this month. Both NYMIR and the vendor's carrier are working on a recent claim from a third-party.
- The Ethics Board currently has two open positions for candidates from any political party other than Republican. The yearly board meeting is tentively scheduled for this summer however it can be pushed to a date later in the year to ensure quorum.
- Ads, pertaining to accessible parking, will be placed in the Pennysaver. These ads are funded by accessible parking fines.
- The Motorola Tower Project is moving forward however shelters are proving to be problematic creating the need to explore purchasing used shelters.
- The Liability Fund requires an influx of cash to offset recent increases in cyber and flood insurance, new vehicles and equipment additions, accidents, and potential litigation costs. ITCS's shared contract service MOUs with other municipalities and the impact it was having on the County's insurance rates was briefly discussed.

Office of the County Attorney



NEW BUSINESS:

- County Attorney DeWind discussed due to the awarding of recent grant to the County numerous new plans and policies needed to be put in place such as Fair Housing and Section 3.
- The Annual Policy Review and Attestation has been pushed out to all County employees and Board members with a due date of March 31. The use of Neogov has allowed for the streamlining of tracking and better documentation for potential compliance audits.
- The Respiratory Program will possibly have some expenses and employee positions need to be identified within the policy. Safety Officer Holbrook is exploring entering a contract with Guthrie Occupational Medicine for annual physicals.
- The current AED devices are sunsetting due to programming. Safety Officer Holbrook has identified the need to replace batteries and pads in many of devices which is an unexpected expense not budgeted for this year. Going forward the Safety budget could potentially include the replacement of one to two AED units per year.
- PESH conducted a surprise inspection at Public Works yesterday. The County was cited however many were small infractions that were fixed immediately.
- The Evolve charging station agreement is moving forward, the contact with Securitas for security at 56 Main Street was fully executed and security is set to start April 9, 2023. Securitas would like to have a meeting with the 56 Main Street committee but has not provided any availability yet to do so.
- The RESOLUTION CALLING ON GOVERNOR HOCHUL TO REMOVE PART M OF THE ARTICLE VII REVENUE BILLS FROM THE 2024 EXECUTIVE BUDGET and the impact it could have on the need for additional staff was discussed.

PERSONNEL

- Erin Riddle started yesterday as the Secretary to the 1st Assistant County Attorney and Doreen Holbrook started three weeks ago as the Safety Officer.

RESOLUTIONS: AMEND EMPLOYEE HANDBOOK: ADD NEW POLICY TO NEW SECTION XIII. ENTITLED FAIR HOUSING PLAN; APPOINT FAIR HOUSING OFFICER; ENTER INTO A CONTRACT WITH CATAMOUNT CONSULTING FOR AUDIOGRAMS; AMEND EMPLOYEE HANDBOOK: SECTION VII. PURCHASING AND PAYMENT POLICY:

TIOGA COUNTY, NEW YORK

Office of the County Attorney

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

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 www.TiogaCountyNY.com



SUBSECTION XII. PROCEDURE TO BE USED WHEN COMPETITIVE BIDDING NOT REQUIRED, PARAGRAPH B. AND ADDITION OF NEW SUBSECTION XVII. SECTION 3 PROCUREMENT POLICY; ESTABLISH NEW BUDGET LINE, REQUEST AND TRANSFER RESERVE FUNDS, AND MODIFY 2023 BUDGET SAFETY OFFICE; RE-APPOINT MEMBER TO BOARD OF ETHICS; RECOGNITION OF ANNE DAVIS' 34 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY; APPOINT SECRETARY TO THE 1ST ASSISTANT COUNTY ATTORNEY LAW DEPARTMENT; AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS BETWEEN THE LAW DEPARTMENT, ITCS, SHERIFF, DSS, PUBLIC HEALTH, AND MENTAL HYGIENE; and RESOLUTION CALLING ON GOVERNOR HOCHUL TO REMOVE PART M OF ARTICLE VII REVENUE BILLS FROM THE 2024 EXECUTIVE BUDGET: these resolutions were moved into full Legislative session without further questions.

PROCLAMATIONS: None

EXECUTIVE SESSION: None

ADJOURNMENT: Legislator Ciotoli adjourned the Finance, Legal, and Safety Committee meeting at 11:29 A.M.

Respectfully submitted,

Christine Freynogel

Secretary to the County Attorney



TIOGA COUNTY, NEW YORK

Tioga County 2023 SAFETY BUDGET REPORT

FOR 2023 06

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
CI Liability Insurance Fund							
CI8042 504 Coordinator/Safety							
CI8042 424010 Interest And Earn	0	0	0	-86.12	.00	86.12	100.0%
CI8042 510010 Fulltime	57,523	0	57,523	4,307.60	.00	53,215.40	7.5%
CI8042 540010 Advertising	0	254	254	.00	.00	254.00	.0%
CI8042 540140 Contracting Servi	164,500	0	164,500	1,145.00	1,605.00	161,750.00	1.7%
CI8042 540340 Literature	250	0	250	.00	.00	250.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	959.15	.00	1,040.85	48.0%
CI8042 540420 Office Supplies	400	0	400	.00	.00	400.00	.0%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	274.69	.00	325.31	45.8%
CI8042 540733 Training/All Othe	3,500	0	3,500	348.95	.00	3,151.05	10.0%
CI8042 581088 State Retirement	2,744	0	2,744	530.46	.00	2,213.32	19.3%
CI8042 583088 Social Security F	2,232	0	2,232	306.28	.00	1,925.82	13.7%
CI8042 584088 Workers Compensat	1,224	0	1,224	97.94	.00	1,126.40	8.0%
CI8042 585588 Disability Insura	0	0	0	5.22	.00	-5.22	100.0%*
CI8042 586088 Health Insurance	0	0	0	2,026.24	.00	-2,026.24	100.0%*
CI8042 588988 Eap Fringe	15	0	15	1.22	.00	13.34	8.4%
TOTAL 504 Coordinator/Safety	235,063	254	235,317	9,916.63	1,605.00	223,795.15	4.9%
TOTAL Liability Insurance Fund	235,063	254	235,317	9,916.63	1,605.00	223,795.15	4.9%
TOTAL REVENUES	0	0	0	-86.12	.00	86.12	
TOTAL EXPENSES	235,063	254	235,317	10,002.75	1,605.00	223,709.03	
GRAND TOTAL	235,063	254	235,317	9,916.63	1,605.00	223,795.15	4.9%

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



TIOGA COUNTY, NEW YORK

Tioga County 2023 LEGAL BUDGET REPORT

FOR 2023 06

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A General Fund							
A1420 Law							
A1420 412706	Shared Services-At	-50,079	0	-50,079	.00	.00	-50,079.00 .00*
A1420 510010	Full Time	212,439	0	212,439	49,024.21	.00	163,414.79 23.1%
A1420 510020	Part Time/Temporar	45,000	0	45,000	7,403.85	.00	37,596.15 16.5%
A1420 510050	All other(On call,	2,000	0	2,000	.00	.00	2,000.00 .0%
A1420 520200	Office Equipment	450	0	450	.00	.00	450.00 .0%
A1420 540010	Advertising	100	0	100	.00	.00	100.00 .0%
A1420 540040	Books	500	0	500	434.75	.00	65.25 87.0%
A1420 540180	Dues	1,200	0	1,200	678.00	.00	522.00 56.5%
A1420 540330	Legal Fees	65,000	0	65,000	10,740.00	31,050.00	23,210.00 64.3%
A1420 540390	Mileage Expense	100	0	100	.00	.00	100.00 .0%
A1420 540420	Office Supplies	825	-85	740	89.88	.00	650.12 12.1%
A1420 540480	Postage	150	0	150	.00	.00	150.00 .0%
A1420 540485	Printing/Paper	400	0	400	114.43	.00	285.57 28.6%
A1420 540731	Training/State Req	200	85	285	135.00	.00	150.00 47.4%
A1420 581088	State Retirement F	17,918	0	17,918	5,280.03	.00	12,638.39 29.5%
A1420 583088	Social Security Fr	15,182	0	15,182	4,554.69	.00	10,627.49 30.0%
A1420 584088	workers Compensati	3,673	0	3,673	1,273.22	.00	2,399.80 34.7%
A1420 585588	Disability Insuran	204	0	204	54.81	.00	148.77 26.9%
A1420 586088	Health Insurance F	49,507	0	49,507	22,000.64	.00	27,506.74 44.4%
A1420 588988	Eap Fringe	44	0	44	15.86	.00	27.82 36.3%
TOTAL Law		364,813	0	364,813	101,799.37	31,050.00	231,963.89 36.4%
TOTAL General Fund		364,813	0	364,813	101,799.37	31,050.00	231,963.89 36.4%
TOTAL REVENUES		-50,079	0	-50,079	.00	.00	-50,079.00
TOTAL EXPENSES		414,892	0	414,892	101,799.37	31,050.00	282,042.89
GRAND TOTAL		364,813	0	364,813	101,799.37	31,050.00	231,963.89 36.4%
** END OF REPORT - Generated by Freyvogel, Christine **							

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS: The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS: Tioga County is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS: Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS: More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS: Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of April 2023 as

FAIR HOUSING MONTH

in Tioga County as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of Tioga County.

Dated: April 11, 2023

MARTHA SAUERBREY, CHAIR
TIOGA COUNTY LEGISLATURE

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23 AUTHORIZE CONTRACT WITH ACCORD,
A CENTER FOR DISPUTE RESOLUTION, INC.
FOR OFFICE SPACE

WHEREAS: Accord, A Center for Dispute Resolution, Inc. has provided dispute resolution services in Tioga County, serving Individuals, families, and organizations to help them to discover peaceful alternatives to conflict through mediation and provides other services such as training and advocacy which are a benefit to the County and its citizens; and

WHEREAS: Tioga County, as a courtesy, would like to continue to provide Accord, A Center for Dispute Resolution, Inc with office space at the Ronald E. Dougherty County Office Building to assist individuals, families, and organizations to discover agreeable and enduring solutions to conflict; and

WHEREAS: The Ronald E. Dougherty County Office Building has space available for that purpose; therefore be it

RESOLVED: That the Tioga County Legislature does hereby grant permission to Accord, A Center for Dispute Resolution, Inc to use Ronald E. Dougherty County Office Building, Room 205, at no cost, for an initial period of one year which may thereafter be extended on mutual consent for two additional one-year terms; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be authorized to sign a lease with Accord, A Center for Dispute Resolution, Inc whose main office is located at 350 State Street, Binghamton, New York for the lease of said office space located at 56 Main Street, Owego, New York, which lease shall commence on May 1, 2023.

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23

AMEND EMPLOYEE HANDBOOK:
SECTION IV. PERSONNEL RULES,
SUBSECTION R. ENTITLED TIOGA COUNTY SEXUAL
HARASSMENT PREVENTION POLICY

WHEREAS: The Tioga County Sexual Harassment Prevention Policy needs to be amended in whole due to numerous updates and changes; and

WHEREAS: The County Attorney has reviewed the Employee Handbook for compliance with State and Federal Law and has identified the need to amend the policy in its entirety and replace it; therefore be it

RESOLVED: That the Tioga County Sexual Harassment Prevention Policy be amended in its entirety and replaces as follows:

r. SEXUAL HARASSMENT PREVENTION POLICY

TIOGA COUNTY SEXUAL HARASSMENT PREVENTION POLICY

Sections:

- I. Policy Statement
- II. Definitions of Prohibited Conduct
- III. Reporting Sexual Harassment
- IV. Complaint and Investigation of Sexual Harassment
- V. Reimbursement
- VI. False Reporting
- VII. Legal Protections and External Remedies

I. POLICY STATEMENT

Tioga County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Tioga County's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Tioga County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history.

POLICY:

1. Tioga County's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Tioga County. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Tioga County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Tioga County who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, County Attorney or Personnel Officer. All employees, paid or unpaid interns, or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. 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. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Tioga County will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, 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 is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. Tioga County will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the County Attorney and Personnel Officer.
8. This policy applies to all employees, paid or unpaid interns, and non-employees, such as contractors, subcontractors, vendors, consultants or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

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, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. 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:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting 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 includes, but is not limited to, 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. 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, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade 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.

Any employee who feels harassed should report 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

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- 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 job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 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.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, 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. 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, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

D. Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

E. Retaliation

Unlawful retaliation can be any action that could discourage a worker 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 (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects 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 the Human Rights Law or other anti-discrimination law;

- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

III. REPORTING SEXUAL HARASSMENT

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 paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, County Attorney or Personnel Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, County Attorney or Personnel Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns 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 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 such suspected sexual harassment to the County Attorney or Personnel Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for

failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

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

IV. COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT

All complaints or information about 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, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Tioga County will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the County Attorney and/or Personnel Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If they refuse, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, 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 a 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
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
 - Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
 - Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

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. 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.

VII. 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, Tioga County employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

A. State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year (three years beginning Aug. 12, 2020)** 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 sexual harassment. 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 your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

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

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

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

B. Civil Rights Act of 1964

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

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

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

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. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Contact the Local Police Department

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

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -23

AUTHORIZATION TO JOIN AND PARTICIPATE IN
NEW NATIONAL OPIOID SETTLEMENTS WITH CVS,
WALGREENS, AND WALMART CONCERNING
CLAIMS RELATED TO THE OPIOID CRISIS

WHEREAS: Tioga County joined in a New York State legal action seeking compensation from those responsible for causing and perpetuating the opioid addiction crisis (the "Action"); and

WHEREAS: The Action is against various Defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS: The County has previously joined together with other Plaintiffs to settle its claims with several of the Defendants including Allergan and Teva; and

WHEREAS: The Action alleged several causes of action against Defendants CVS, Walgreens and Walmart based on claims that their actions also contributed to the opioid epidemic; and

WHEREAS: Similar litigation concerning the vast opioid addiction crisis has been filed in State and Federal Courts throughout the Country; and

WHEREAS: CVS, Walgreens and Walmart have offered to settle the claims against them by entering into comprehensive National Settlement agreements; and

WHEREAS: Tioga County has the opportunity to participate in the "New National Opioid Settlements" to settle claims with CVS, Walgreens and Walmart and to also enter into settlement sharing agreements with the other New York State Plaintiffs; and

WHEREAS: After conferring with Litigation Counsel it appears to be in the best interest of Tioga County to join in the New National Opioid Settlements to resolve its claims with CVS, Walgreens and Walmart and avoid protracted litigation; therefore be it

RESOLVED: That Tioga County is authorized to participate in New National Opioid Settlements with CVS, Walgreens and Walmart and to enter into sharing agreements with the other participating New York State Defendants; and be it further

RESOLVED: That Tioga County Chair of the Legislature, Martha Sauerbrey, is authorized to execute such forms and agreements, as approved by the County Attorney to compromise the claims with these Defendants and distribute the proceeds between the participating Plaintiffs.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. RESOLUTION TO APPROVE AND ENTER INTO A
MOU WITH THE TOWN OF OWEGO FOR CDL DRUG
TESTING

WHEREAS: Federal law requires random drug and alcohol screens of CDL drivers performing "safety sensitive" tasks; and

WHEREAS: Tioga County has coordinated with towns and villages within Tioga County to have testing done by an outside agency; and

WHEREAS: The Tioga County Safety Officer must supervise the quarterly random CDL drug screens for the Department of Public Works; and

WHEREAS: The Town of Owego, as a courtesy, has offered to host towns and villages within Tioga County for the random drug and alcohol screens of CDL drivers performing "safety sensitive" tasks; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a Memorandum of Understanding (MOU) with the Town of Owego to provide the testing location for the County's CDL random drug screens.

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 23

AMEND RESOLUTION NO. 124-23;
ESTABLISH NEW BUDGET LINE,
REQUEST AND TRANSFER RESERVE FUNDS,
AND MODIFY 2023 BUDGET
SAFETY OFFICE

WHEREAS: Resolution No. 124-23 allowed the appropriating from Reserve funds to the Liability fund; and

WHEREAS: The org (A2989) Other Education/Handicapped Parking has been set up to receive and expend said reserve funds; and

WHEREAS: Amending of Budget requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature amend Resolution No. 124-23 and authorize the following transfer:

From: CI8042.540010	Advertising	\$254.00
To: A2989.540010	Advertising	\$254.00

REFERRED TO:

LEGAL & FINANCE COMMITTEE

RESOLUTION NO. -23

TRANSFER OF FUNDS
2023 BUDGET MODIFICATION
COUNTY LIABILITY INSURANCE FUND

WHEREAS: The funds budgeted for 2023 for insurance premiums & insurance claims will not cover the flood insurance and claim costs for the remainder of the year; and

WHEREAS: Funds will need to be transferred from the Tioga County Contingency account to accommodate the increased amount in insurance premiums and claims; and

WHEREAS: Amending of the 2023 Budget and the appropriation of Contingent accounts require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a budget transfer from the Contingency account as follows:

From: A1990.540715 Contingency Transfer	\$130,000.00
To: CI1910.540270 Insurance Premiums	\$ 70,000.00
To: CI1930.540270 Insurance Claims	\$ 60,000.00

And be it further

RESOLVED: That the Tioga County Legislature authorizes an interfund transfer from the general fund to the liability fund as follows:

From A9901.590715 Interfund Transfer	\$130,000.00
To: CI1910.450310 Interfund Transfer	\$130,000.00

REFERRED TO:

FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. -23

AUTHORIZE ACCEPTANCE OF YEAR FIVE
FUNDING FROM THE NYS OFFICE OF INDIGENT
LEGAL SERVICES AND ACCEPT YEAR FIVE
FUNDING FOR HURRELL-HARRING GRANT AND
AMEND 2023 BUDGET

WHEREAS: By Resolution No. 257-18 adopted on November 13, 2018 Tioga County entered into a five year agreement with the New York State Office of Indigent Legal Services for distribution of funds to provide representation to persons legally entitled to counsel but unable to hire an attorney; and

WHEREAS: The allocated amount to Tioga County from NYS Office of Indigent Legal Services for the fiscal year April 2022 – March 2023 is \$771,014.42; and

WHEREAS: It is necessary for Tioga County to adopt the fifth year funding budget for said distribution in said amount of \$771,014.42; and

WHEREAS: Said funding in the amount of \$771,014.42 needs to be appropriated and the 2023 budget be amended; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the fifth year budget of said distribution in the amount of \$771,014.42 and the Chair of the Legislature is hereby authorized to execute the fifth year ILS Hurrell–Harring contract amendment; and be it further

RESOLVED: That upon execution of the fifth year contract amendment, the ILS HH Grant of \$771,014.42 subtracting out the \$432,038.80 salary and fringe Tioga County has already appropriated and the 2023 Budget be amended as follows:

Revenue Account: A1174 430260 State Aid Indigent \$ 771,014.42

Expense Account: A 1174 510010 Full Time Salary \$ 35,711.29

A 1174 510020 Part Time Salary \$ 14,588.46

A 1174 520200 Office Equipment	\$	11,500.00
A 1174 520250 Remodeling	\$	8,000.00
A 1174 520256 Security	\$	5,000.00
A 1174 540000 Contracted Services	\$	62,000.00
A 1174 540030 Assigned Counsel	\$	10,000.00
A 1174 540040 Books	\$	2,500.00
A 1174 540180 Dues	\$	200.00
A 1174 540191 Utilities	\$	3,100.00
A 1174 540221 Cleaning/Maint.	\$	5,000.00
A 1174 540280 Investigations	\$	63,796.42
A 1174 540320 Leased Services	\$	4,000.00
A 1174 540390 Mileage	\$	4,000.00
A 1174 540420 Supplies	\$	10,000.00
A 1174 540550 Rent	\$	30,500.00
A 1174 540620 Software Expenses	\$	39,000.00
A 1174 540733 Training/CLE	\$	8,000.00
A 1174 581088 Retirement	\$	8,143.60
A 1174 583088 Social Security	\$	156.62
A 1174 585588 Disability	\$	61.53
A 1174 584088 Workers Comp	\$	2,172.30
A 1174 586088 Health Ins/HRA	\$	11,510.10
A 1174 588988 EAP	\$	35.30



Reserved parking for people with disabilities ensures safe and equal access to goods and services, access which most of us take for granted.

Reserved parking for people with disabilities is a legal requirement, not just a courtesy. You can help support the law by parking in reserved spaces only if you have a permit or plates for people with disabilities, and only when the person who received the permit or plates is actually in the vehicle.

Please avoid parking in the access aisle or striped area next to a reserved parking space - it is not a parking zone. This special area is needed for access by people who use wheelchairs and specially-equipped vehicles.

**It is important to respect each other.
Please, be parking considerate.**

***A Message From The Tioga County Accessible
Parking Education Program***

2. APRIL 2, 2023. OWEGO PENNYSAVER - www.owegopennysaver.com

Accessible parking education ad

Owego Pennysaver

April 2, 2023



CHOICES

FOR ALL

VOICES

BUILDING

AN EQUITABLE

FUTURE

FAIR HOUSING MONTH 2023

*Commemorating 55 years
of the Fair Housing Act*



⚠ If you feel you have experienced **housing discrimination** based on race, color, religion, national origin, sex (incl. sexual orientation and gender identification), disability, and family status, contact HUD at **1-800-669-9777** (voice), **1-800-877-8339** (Federal Relay), online at www.hud.gov/fairhousing, or your local fair housing organization. Tioga County Fair Housing Officer Peter DeWind at 607-687-8253.



FILE A COMPLAINT