

GOVERNMENT OPERATIONS COMMITTEE MEETING MINUTES
AUGUST 31, 2023

GOVERNMENT OPERATIONS COMMITTEE MEMBERS PRESENT: Fedler, O'Brien, Haff, Shaw

GOVERNMENT OPERATIONS COMMITTEE MEMBERS ABSENT: Hicks, Rozell, Fisher

SUPERVISORS: Henke, Hogan

Debra Prehoda, Clerk of the Board

Melissa Fitch, County Administrator

Al Nolette, County Treasurer

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

- 1) Call to Order
- 2) Accept Minutes – July 25, 2023
- 3) Department Requests/Reports
 - A. Real Property
 1. Auction Contract Extension
 - B. County Administration
 1. Revised Discrimination & Harassment Policy
 2. Humana Contract Renewal
 3. System for Award Management
- 4) Other Business
- 5) Adjournment

Chairwoman Fedler called the meeting to order at 11:32 A.M. in the Supervisors classroom Room B214, Municipal Center, Fort Edward.

Motion to accept the minutes of the July 25, 2023 meeting was moved by Mr. Shaw, seconded by Mr. O'Brien, and adopted.

DEPARTMENT REPORTS/REQUESTS:

REAL PROPERTY – Laura Chadwick, Director, addressed the following item with the committee:

- Auction Contract Extension – Contract with Auctions International to do the County's tax sale foreclosure auctions and the contract expires on December 31, 2024. No auction will be held this year and requesting a one year extension to the contract. Motion to approve one-year extension to the Auctions International contract was moved by Mr. O'Brien, and seconded by Mr. Shaw. Discussion. Auction International will be auctioning off the one parcel in the town of Granville that the County purchased for the Church Street bridge construction project. The motion to approve one-year extension to the Auctions International contract to December 31, 2025 was moved by Mr. O'Brien, seconded by Mr. Shaw, and adopted.

COUNTY ADMINISTRATION – Melissa Fitch, Administrator, addressed the following items with the committee:

- Revised Discrimination & Harassment Policy – The Personnel Officer worked with the County Attorney and they have made some recommended changes to the current policy based on what was updated by NYMIR. Requesting approval to change the policy. All Supervisors were provided with a copy. Motion to approve changes to policy was moved by Mr. O'Brien but no second. Discussion. Mr. Haff expressed several concerns such as itemizing items, scope of policy and not considering criminal background information and he cannot even get past the first page. Mr. Henke stated some of these changes are probably federal mandates. How much is required by law and how much is what NYMIR

wants. Will have the Personnel Officer check to see what is mandated. The Personnel Officer joined the meeting and stated that NYMIR recommended the wording but it is based on the federal and state laws. Mr. Haff is opposed to listing all these things because if something is left out it's not covered. He does not like itemizing specifically and it should be a little more vague than that. The County Administrator said they should remember that NYMIR is out to cover the County liability wise. Further review prior to bringing back to committee, no action taken.

- Humana Contract Renewal – The Humana contract for retirees is up for renewal as of January 1, 2024. There is a 6.7% increase for 2024 and the current premium rate is \$297.43 and going up to \$317.24. Retirees today pay in the same percentage as current employees, 25%. The Treasurer stated the retirees are very fond of the product and the County Administrator stated this is a very good Medicare Advantage Plan. Motion to approve Chairman signing Humana contract renewal for 2024 was moved by Mr. Haff, seconded by Mr. O'Brien, and adopted.
- System for Award Management – Assemblyman Simpson had brought to the County an application to apply for a SAM grant that was available. At that time applied for a new meals on wheels building that was just in the conceptual stage. In order to not lose out on the funding, better off to apply it towards the County/Fort Ann highway barn because that project is further ahead and funding secured. Motion to approve revision to the SAM grant application and authorize signature by the Chairman of the Board of any paperwork associated with this grant application was moved by Mr. Shaw, and seconded by Mr. Haff. Discussion. Mr. Haff asked if we will still need the meals on wheels building after this money is diverted someplace else. At the time, the meals on wheels building was prioritized as a need but that appears to be a ways off so too not lose the funding it is recommended to apply towards the Fort Ann barn. Motion to approve revision to the SAM grant application and authorize signature by the Chairman of the Board of any paperwork associated with this grant was moved by Mr. Shaw, seconded by Mr. Haff and adopted.

OTHER BUSINESS:

Buildings and Grounds: Matt Jones, Superintendent of Buildings and Grounds, addressed the following items:

- Safety Days – Budgeted \$500 for Safety Days. Motion to approve spending \$500 budgeted for Safety Days, i.e. food/refreshments, was moved by Mr. Haff, seconded by Mr. O'Brien and adopted.
- Environmental assessment forms for the Fort Ann Barn project have been completed and will need a full Board resolution to accept them. The use of the property is staying the same and it is a negative declaration. He is trying to set up a meeting with parties involved, Chairman Henke, Supervisor Hall, attorneys, bond counsel, and Treasurer to finish up any agreements or anything else needed. The survey has been completed and they are working on the property transfer. Should be able to report back next month on the progress.
- 14 projects ongoing currently and all in progress. Received this week, the final drawings to submit to the Department of Health for review for moving Public Health to Burgoyne. The other plan being reviewed is the fire system for the complex, a pretty big project.
- Fort Ann barn construction will start next year and should be completed in 2024. Out to bid this fall.
- Middle Falls barn project will be quicker without another entity involved and a smaller building. Start next fall for completion in 2025.

Chairman Henke addressed the following items:

- GPS for All County Vehicles - Mr. Henke stated all the highway trucks have GPS and he thinks it is important to have GPS in all county vehicles. The Sheriff vehicles are also equipped with GPS. For example, DSS Caseworkers are out all over the county in the performance of their job and also Code Enforcement Officers. He thinks this is a pretty significant long term safety issue that should be considered. The DPW Superintendent has estimated \$48,000 with reoccurring costs. All car pool cars and fleet vehicles should be equipped. The Sheriff and Highway are already covered. This would probably be a Car Pool expense and should be considered in the 2024 budget.
- Recommends all vehicles, except unmarked vehicles, should have a county decal in a contrasting color and recommends reflective for safety. Departments Heads would need to address unmarked cars/ghost decals. He thinks people should know that employees in these vehicles are on the road doing official county business. Recommends a policy or added to a policy.

Board of Elections: The Treasurer stated the Board of Elections has four grants in play. They have one carryover, two to renew and one is in the 2023 budget. Motion to carryover 2022 postage grant in the amount of \$15,889, 2023 postage grant in the amount of \$20,158 and Tier grant (equipment) in the amount of \$57,105.86 and forward to the Finance Committee for consideration was moved by Mr. Shaw, seconded by Mr. O'Brien and adopted. Commissioner Rogers stated the rules governing the expenditure of the postage have changed and made less restrictive for spending.

The meeting was adjourned at 12:09 P.M.

Debra Prehoda, Clerk
Washington County Board of Supervisors

**WASHINGTON COUNTY
POLICY AGAINST DISCRIMINATION AND HARASSMENT**

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- B. Policy Objectives

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SECTION 11: COMPLIANCE OFFICERS

SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

SECTION 1: PURPOSE

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

A. Scope of Policy This Policy applies to all Washington County employees and all personnel in a contractual or other business relationship with Washington County including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on Washington County property as it does at Washington County sponsored events, programs, and activities that take place off Washington County premises.

B. Policy Objectives By adopting and publishing this Policy, it is the intention of the Washington County's governing body to:

- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- (2) Inform employees about the complaint and investigation procedures established by Washington County that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by Washington County;
- (3) Clearly advise all supervisory staff, administrators, and employees that harassment, discrimination and retaliation is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- (4) Notify all employees that Washington County has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in *Section 11* of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

SECTION 2: DEFINITIONS

“Prohibited Discrimination of Employees”

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

“Harassment”

Harassment is strictly prohibited and includes, but is not limited to, any conduct that is unwelcome and that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual’s membership in one or more of the protected categories. Harassment does not have to be severe or pervasive to be illegal or violate this policy. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

“Sexual Harassment”

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

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do.

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

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of subjecting an employee to inferior terms, conditions, or privileges of employment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

Who can be the target of harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can harassment occur?

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are working remotely, traveling for business or at employer sponsored events or parties. Harassment can occur on virtual meeting platforms, in messaging apps, and between personal cell phones. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

“Prohibited Behavior and Examples of Harassment, including Sexual Harassment”

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

- o **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable

because of his or her protected characteristic; **sex stereotyping**; continuing to ask someone for dates or to meet after work after the person has made it clear that **he or she** does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome; and **unwelcome advances or demands based on someone's protected characteristic**. This includes verbal remarks made over virtual platforms and in messaging apps when employees are working remotely.

- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Washington County e-mail system or other electronic communication devices (e.g. voice mail) or using Washington County's mail, computers **or cell phones** to view material that is demeaning or derogatory based on one's protected characteristic. **This includes the virtual or remote workspace and can include materials visible in the background of one's home during a virtual meeting.**
- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, **rape or assault or attempts to commit these assaults**, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.
- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, or name-calling.

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

SECTION 3: POLICY

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

All employees, including but not limited to, Washington County officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations **to a supervisor, manager, or one of the Compliance Officers listed in Section 11 of this Policy** in accordance with the Complaint

Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to **Washington County's designated Compliance Officers**. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately **contact one of Washington County's designated Compliance Officers**.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making **or encouraging another employee to make** a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes **he/she** has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed **in Section 11** of this Policy in accordance with the Complaint Procedure set forth in this Policy.

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

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. Notification Procedure

Prompt reporting of complaints or concerns **is encouraged** so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is **encouraged and** essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact **his or her** supervisor or a Compliance Officer listed in **Section 11** of this Policy, or another supervisor. **Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or a Compliance Officer listed in Section 11 of this Policy, or another supervisor. Employees should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can occur in different degrees, potential discipline for engaging in harassment will depend on the degree of harassment and might include education and counseling. It may lead to**

suspension or termination when appropriate.

2. Making a Complaint

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

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

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

3. Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason suspects that harassment is occurring, are required to report such suspected harassment or discrimination to one of Washington County's Compliance Officers.

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

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

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the emotional impact to the complainant as well as all parties involved. Supervisors and managers will ensure complaints are handled with sensitivity and without retaliation.

4. **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. The following are standard methods of bystander intervention that can be used by a witness to discrimination or harassment who wants to intervene:

- a. Interrupting harassment by engaging with the individual being harassed;
- b. Asking a third party to help intervene in harassment;
- c. Making a record of the harassment to benefit a future investigation;
- d. Following up with the harassed individual and confirming the behavior was not okay; or
- e. If safe, confronting the harasser(s) and naming the behavior as inappropriate. When confronting harassment, physically assaulting an individual or reciprocating by engaging in harassment, is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide for how to react when witnessing harassment in the workplace. As set forth above, any employee witnessing harassment as a bystander is encouraged to report it; a supervisor or manager who is a bystander to harassment is required to report it.

B. Time for Reporting a Complaint

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

C. Confidentiality and Privacy

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

During the pendency of an investigation Washington County will consider implementation of appropriate mitigating measures in an effort to ensure against retaliation and ensure complaints and investigations are handled with sensitivity toward those participating.

D. Acknowledgement of Complaint

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

SECTION 5: INVESTIGATION PROCEDURES

A. Timing of Investigations

Washington County will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. Washington County will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

B. Method of Investigation

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

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

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

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

- 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 remedial actions.

C. Notification to Complainant Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party. Washington County will remind the individual(s) reporting the complaint of his/her rights pursuant to the Legal Protections and External Remedies Section of this Policy.

D. Remedial Measures

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

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

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours). Examples of retaliation may include, but are not limited to: demotion, termination, denying accommodations, reducing hours, or the assignment of less desirable shifts; publicly releasing personnel files; refusing to provide a reference or providing an unwarranted negative reference; labeling an employee as “difficult” and excluding him/her from projects to avoid “drama;” undermining an individual’s immigration status; or reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Retaliation is strictly prohibited by this Policy and by law against anyone for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for

filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

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

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

SECTION 7: APPEALS

Any complainant or accused party who wishes to appeal the conclusion which Washington County reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to Washington County's governing body. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. Washington County's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived there from, Washington County's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

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

SECTION 8: RECORD KEEPING

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

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

SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

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

Aside from the internal process at Washington 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.

State Human Rights Law (HRL)

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

Complaints with DHR may be filed any time **within one year** of the discrimination or harassment. Complaints of sexual harassment may be filed with DHR at any time **within three years** of the alleged sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Washington County does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

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

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

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

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination or harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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 automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

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

Contact the Local Police Department

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

SECTION 10: QUESTIONS

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

SECTION 11: COMPLIANCE OFFICERS

Melissa Fitch, County Administrator	Building B, 2 nd Floor	518-746-2590
Danelle LaPann, Personnel Officer	Building A, 2 nd Floor	518-746-2250

SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy, as revised, shall be _____. County Administration shall ensure that this Policy is adequately disseminated and made available to all employees of Washington County. This Policy shall be distributed at the time of hire, and at every annual training regarding prevention of sexual harassment. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as Washington County's Policy Book that is available at the _____.

Upon the effective date of this Policy, as revised, the provisions of this Policy shall supersede and replace the following prior Washington County policies and regulations regarding employee discrimination and harassment: **[insert policies and any attendant regulations by name and number]**.

**ACKNOWLEDGEMENT OF RECEIPT OF WASHINGTON COUNTY'S POLICY
AGAINST DISCRIMINATION AND HARASSMENT**

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

Washington County has adopted and disseminated a Policy Against Discrimination and Harassment. Please sign the attached acknowledgement that you have received a copy of the Policy.

Thank you for your assistance in this matter. Upon review of this policy, if you have any questions, feel free to contact the Washington County Compliance Officer(s) with any questions that you may have on this policy.

I, _____, have received Washington County's Policy Against Discrimination and Harassment adopted effective _____. I will review this policy, and if I have questions, will reach out to the Washington County Compliance Officer(s).

Signature of Employee

Date

