


<p><b>Agenda</b></p> 	<p style="text-align: center;"><b>TIOGA COUNTY LEGISLATURE</b></p> <p style="text-align: right;">5/9/2023 12:00 PM EDWARD D. HUBBARD AUDITORIUM Ronald E. Dougherty County Office Building 56 Main Street Owego NY 13827</p>	
<p>Meeting called by:</p>	<p>Chair Martha Sauerbrey</p>	
<p>Type of meeting:</p>	<p>5<sup>th</sup> Regular</p>	
<p>Attendees:</p>	<p>Legislator Brown Legislator Ciotoli Legislator Flesher Legislator Monell Legislator Mullen Legislator Roberts Legislator Sauerbrey Legislator Standinger Legislator Weston</p>	
	<p style="text-align: center;"><b>Agenda topics</b></p>	
<p>Invocation Pledge of Allegiance  Proclamations (4)  Privilege of the Floor Approval of Minutes Petitions, Communications &amp; Notices Appointments/Reappointments Reports Standing Committees</p>	<p>Legislator Standinger Legislator Standinger</p> <ul style="list-style-type: none"> <li>• American Stroke Month in Tioga County</li> <li>• Mental Health Awareness Month &amp; Children's Mental Health Awareness Week</li> <li>• Elder Abuse Prevention Month</li> <li>• Foster Care Recognition Month</li> </ul> <p>April 11, 2023</p>	

RESOLUTIONS	<ol style="list-style-type: none"><li>1. Appoint Member to Board of Ethics</li><li>2. Appoint Member to Board of Ethics</li><li>3. Home Rule Request in Support of S05804-A/A05775A: Extending the Current and Imposing Additional Sales and Compensating Use Taxes by the County of Tioga</li><li>4. Opposing Senate Bill 6282 which would Prohibit Probation Departments from Collecting Fees Associated with Probation</li><li>5. Mortgage Tax Distribution</li><li>6. Corporate Compliance Program in Mental Hygiene</li><li>7. Authorization to Renew the Agreement with Towns to Accept Household Electronic Waste from Tioga County Residents</li><li>8. Award Contract Strategic Operations Plan</li><li>9. Authorize Contract Extension with Triad Group, LLC for Workers' Compensation Administration</li><li>10. Authorize Agreement with FRSECURE, LLC for Internal and External Cyber Security Penetration Testing</li><li>11. Amend Resolution No. 399-22 Authorize Agreement with All Mode Communications, Inc. for Mitel Telecommunications System</li><li>12. Amend Resolution No. 34-23 Transfer Funds to Fund and Fill Vacant Network Administrator Position within Information Technology and Communication Services Department</li><li>13. Transfer Funds and Authorize Agreement with Vertiv, Inc. to Replace AC/DC Capacitors and Fan on Uninterruptable Power Supply Unit at 56 Main Street</li></ol>	
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|  | <ol style="list-style-type: none"><li>14. Accept Indigent Legal Services Award and Amend 2023 Budget</li><li>15. Authorization to Apply for a Grant – Public Health</li><li>16. Approve Technical Assistance Provided to the Campville Fire Department</li><li>17. Approve Technical Assistance Provided to the Joshua House by way of Tioga County Youth Bureau</li><li>18. Approve Technical Assistance Provided to the Joshua House by way of Tioga County United Way</li><li>19. Approve Technical Assistance Provided to the Candor Emergency Squad</li><li>20. Approve Technical Assistance Provided to INSPIRE-SVE</li><li>21. Approve Funding 2023 Youth Bureau Program Funding</li><li>22. Establish New Budget Line, Modify Real Property 2023 Budget and Transfer Funds for the Purchase of a Laptop Computer, Docking Station, and Computer Monitor</li><li>23. Establish New Budget Line, Modify 2023 Budget and Transfer Funds – Law Department</li><li>24. Transfer Funds 2023 Budget – Solid Waste</li><li>25. Transfer Funds/Fund Self-Insurance Plan Reserve</li><li>26. Amend 2023 Budget Tioga Career Center</li><li>27. Amend Resolution No. 171-23 Reclassify Records Management Clerk Position in Mental Hygiene</li><li>28. Authorize Position Reclassification – Public Works</li><li>29. Authorize Position Reclassification – Public Works</li></ol> |  |
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	<p>30. Authorize Appointment of Civil Service Technician Trainee &amp; Sr. Civil Service Technician (Personnel Department)</p> <p>31. Authorize Appointment of Civil Service Assistant (Personnel Department)</p> <p>32. Amend Employee Handbook: Section IV. Personnel Rules, Subsection R. Entitled Tioga County Sexual Harassment Prevention Policy</p> <p>33. Amend Employee Handbook: Section IX. Safety Rules, Subsection M. Restricting Firearms and Other Weapons in or on County Buildings, Worksites, or Vehicles</p> <p>34. Amend Employee Handbook: Add New Policy to Section IX. Safety Rules; Subsection O. Entitled Respirable Crystalline Silica Exposure Control Plan</p>	
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**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: Stroke is a leading cause of serious long-term disability and the fifth leading cause of death in the United States; and

WHEREAS: In Tioga County stroke has a mortality rate of 19.7 per 100,000 population according to data from 2017-2019; and

WHEREAS: High blood pressure, high cholesterol, smoking, obesity, and diabetes are leading causes of stroke and one in three Americans has at least one of these conditions or habits; and

WHEREAS: Warning signs of stroke include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and

WHEREAS: Ninety-three percent of Americans recognized that sudden numbness on one side is a symptom of stroke, but only 38% were aware of all major symptoms and knew to call 9-1-1 when someone was having a stroke; and

WHEREAS: Patients who arrive at the emergency room within 3 hours of their first symptoms often have less disability 3 months after a stroke than those who received delayed care; and

WHEREAS: New and effective treatments have been developed to treat and minimize the severity and damaging effect of strokes, but much more research is needed, therefore

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

**AMERICAN STROKE MONTH IN TIOGA COUNTY**

and urges all the citizens of our County to familiarize themselves with the risk factors associated with stroke, recognize the warning signs and symptoms, and on the first signs of a stroke dial 9-1-1 immediately so that we might begin to reduce the devastating effects of stroke on our population.

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

*Mental Health Awareness Month & Children's Mental Health Awareness Week*

WHEREAS: The citizens of Tioga County value the overall health and well-being of all the residents of Tioga County they are proud to support the observance of Mental Health Awareness Month and Children's Mental Health Week; and

WHEREAS: Mental Health is essential to everyone's overall health and well-being; and

WHEREAS: Mental illness is the leading illness-related cause of disability, a major cause of death through suicide, a factor in school failure, a contributor of poor overall health, incarceration, and homelessness; and

WHEREAS: Mental illness in adults and serious emotional and mental health disorders in children and youth are real and treatable.

WHEREAS: There is evidence that early intervention, family-centered care for children, and person-centered treatment for adults can result in reduction and management of symptoms such that individuals with mental illness can live full, productive, and meaningful lives in their communities; and

WHEREAS: Children and youth with mental health challenges, along with their families, deserve access to services and supports that are family driven, youth guided and culturally appropriate; and

WHEREAS: There is an expectation of hope, healing, and recovery for the citizens of Tioga County who experience symptoms of mental illness, and

WHEREAS: Tioga County has made a commitment to a community-based system of care that promotes values of acceptance, dignity, and social inclusion for individuals of all ages; therefore

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our county to join in declaring May 2023 as *Mental Health Awareness Month* and May 7<sup>th</sup> – 13<sup>th</sup>, 2023 as *Children's Mental Health Awareness Week* in Tioga County.

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: People who are elderly or have disabilities have contributed to the general welfare of Tioga County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS: These residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS: The health and well-being of disabled and elderly people in our county should be one of our highest priorities and of concern to all Americans; and

WHEREAS: People who are elderly or have disabilities are among the most important resources of our county, and it is fitting that we recognize the need to protect their health, safety, and rights; and

WHEREAS: Abuse of the elderly and people with disabilities in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS: Elder abuse is underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS: Elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in poor neighborhoods and in suburbia; and

WHEREAS: Many of the cases investigated by Adult Protective Services in New York involve self-neglect or financial exploitation and it is our duty as citizens to reach out to people in need; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of May 2023 to be

**Elder Abuse Prevention Month**

in Tioga County, and urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: The Tioga County foster family serves as a source of safety, love, self-esteem, and support for children in Tioga County; and

WHEREAS: There are 41 children in foster care in Tioga County, 31 of these children are in foster homes, with 14 being in relative foster home placements; and

WHEREAS: We have 16 certified foster homes in Tioga County with 8 of them being approved relative homes; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children in foster care, and the enduring and valuable contribution of foster parents; and

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; therefore

THE TIOGA COUNTY LEGISLATURE hereby Proclaims May 2023, as

**FOSTER CARE RECOGNITION MONTH**

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to recognize foster parents in Tioga County.



REFERRED TO: LEGISLATIVE WORKSESSION  
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 APPOINT MEMBER TO  
BOARD OF ETHICS

WHEREAS: A vacancy exists on the Board of Ethics due to the prior term of Peter Fitch having expired on March 31, 2023; and

WHEREAS: Wendy Neild, a resident of Tioga County, NY has agreed to serve on the Board of Ethics for the currently vacant three-year term with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That Wendy Neild be and hereby is appointed to the Board of Ethics for a retroactive term beginning April 1, 2023 through March 31, 2026.

REFERRED TO: LEGISLATIVE WORKSESSION  
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 APPOINT MEMBER TO  
BOARD OF ETHICS

WHEREAS: A vacancy exists on the Board of Ethics due to the prior term of Joan Case having expired on March 31, 2023; and

WHEREAS: Thomas M. Hall, a resident of Tioga County, NY has agreed to serve on the Board of Ethics for the currently vacant three-year term with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That Thomas M. Hall be and hereby is appointed to the Board of Ethics for a retroactive term beginning April 1, 2023 through March 31, 2026.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -23 HOME RULE REQUEST IN SUPPORT OF  
S05804-A/A05775A: EXTENDING THE CURRENT  
AND IMPOSING ADDITIONAL SALES AND  
COMPENSATING USE TAXES BY THE  
COUNTY OF TIOGA

WHEREAS: The continuation of previously authorized additional sources of revenue is required to enable counties, such as Tioga County to meet the ever-increasing costs of delivering essential governmental services to their citizens without undue reliance on local property taxes; and

WHEREAS: The New York State Senate and Assembly are in agreement that individual counties should request their State delegation to introduce two-year home rule sales tax extenders expiring as of November 30, 2025; and

WHEREAS: State Legislative authority is needed to extend the current sales and compensating use taxes for the County of Tioga at the same level and upon the same terms and conditions as now currently exist; therefore be it

RESOLVED: That the Tioga County Legislature hereby requests enactment of Senate Bill No. S05804-A and Assembly Bill No. A05775A entitled "An Act to Amend the Tax Law in relation to extending the authorization of the County of Tioga to impose an additional one percent of sales and compensating use taxes through November 30, 2025.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. -23

OPPOSING SENATE BILL 6282 WHICH WOULD PROHIBIT PROBATION DEPARTMENTS FROM COLLECTING FEES ASSOCIATED WITH PROBATION

WHEREAS: Senate Bill 6282 has been introduced which relates to probation administrative fees, prohibits certain fees associated with probation, and provides for the termination and discharge of certain sentences; and

WHEREAS: Such Bill proposes to prohibit counties and cities from adopting a local law which requires individuals currently serving on probation to pay certain administrative fees to the local probation departments including but not limited to supervision fees, monitoring fees, testing fees, and screening fees; and

WHEREAS: In 1993, Tioga County, by virtue of its Home Rule authority, adopted Local Law Number 1 of 1993, establishing Probation Department Administrative Fees; and

WHEREAS: Tioga County Local Law Number 1 of 1993 imposes a \$30 per month administrative fee for persons sentenced to probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law in relation to alcohol and drug related motor vehicle matters; and

WHEREAS: There are significant costs associated with monitoring probationers and over the years, there have been an abundance of State mandated programs and services that local County Probation Departments are required to provide by law; and

WHEREAS: State funding for Probation was drastically reduced between 1990 and 2015 from a 46.5% State share in 1990 to less than 10% in 2023, putting a huge strain on counties and cost to county property taxpayers; and

WHEREAS: County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law, and the Family Court Act; and

WHEREAS: It is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

WHEREAS: Senate Bill 6282, if adopted, would completely eliminate the County's revenue stream to recoup just a fraction of the Department's costs; and

WHEREAS: This continuous erosion of our criminal justice laws puts our communities at risk; therefore be it

RESOLVED: That Tioga County strongly opposes Senate Bill 6282 due to the burden it will place on counties; and be it further

RESOLVED: That the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to New York State Governor Kathy Hochul, Senator Tom O'Mara, Assemblyman Christopher Friend, the Senate Crime Victims, Crime and Correction Committee, the New York State Association of Counties, and all other deemed necessary and proper.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: -23 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period October 1, 2022 to March 31, 2023 be and it hereby is accepted; and be it further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Barton (Town)	\$ 21,413.84
Berkshire (Town)	4,206.93
Candor (Town)	23,130.93
Candor (Village)	4,735.04
Newark Valley (Town)	10,963.60
Newark Valley (Village)	5,605.32
Nichols (Town)	7,596.40
Nichols (Village)	434.27
Owego (Town)	145,730.65
Owego (Village)	15,296.23
Richford (Town)	7,321.87
Spencer (Town)	12,048.26
Spencer (Village)	2,451.10
Tioga (Town)	78,964.99
Waverly (Village)	<u>18,097.79</u>
	\$357,997.22

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 CORPORATE COMPLIANCE PROGRAM  
IN MENTAL HYGIENE

WHEREAS: The policy of Tioga County Mental Hygiene has always been to conduct its business in compliance with all applicable and constitutional laws and regulations and adherence to the highest ethical standards; and

WHEREAS: The Community Services Board recognizes that the Federal and State Agencies responsible for enforcement of Medicare and Medicaid laws and regulations applicable to healthcare providers have encouraged or required the development and implementation of formal Compliance Programs by healthcare providers; and

WHEREAS: In light of the foregoing, and in light of the importance of limiting the potential Corporate exposure of Tioga County Mental Hygiene and its employees, agents, directors, and officers, the Community Services Board believes that development of a formal Compliance Program is necessary; therefore be it

RESOLVED: That the Management of Tioga County Mental Hygiene is directed to develop and implement such a Compliance Program and to provide periodic progress reports to the Community Services Board on the development, implementation, and ongoing operation of this program.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -23 AUTHORIZATION TO RENEW THE AGREEMENT  
WITH TOWNS TO ACCEPT HOUSEHOLD  
ELECTRONIC WASTE FROM TIOGA COUNTY  
RESIDENTS

WHEREAS: In January of 2015, New York State banned consumers from disposing of certain types of electronic waste in landfills, waste-to-energy facilities, in the trash, or at curbside for trash pickup; and

WHEREAS: Due to this ban, Tioga County's only drop off for residents is through the County's Household Hazardous Waste program which is located at the Broome County Landfill; and

WHEREAS: The Department of Solid Waste will pay for the recycling costs for acceptable household electronic waste brought to the Town either during their cleanup event or at an agreed upon permanent drop off location; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to enter the said agreement for the year 2023 upon its approval by the County Attorney.



REFERRED TO: ED&P COMMITTEE  
RESOLUTION NO. -23 AWARD CONTRACT  
STRATEGIC OPERATIONS PLAN

WHEREAS: The Tioga County Legislature has recognized via Resolution No. 167-22 that a new Strategic Plan needs to be developed for the County government; and

WHEREAS: The Tioga County Legislature via Resolution No. 149-23 has accepted the Appalachian Regional Commission grant and created accounts to pay for the new Plan; and

WHEREAS: A Request for Proposal was issued to hire a consultant to prepare the plan and the Strategic Plan Steering Committee has met to review the six submissions received and has recommended that TransPro be selected to prepare said plan at a cost not to exceed \$50,000; and

WHEREAS: There are sufficient funds in the amount of \$50,000 in account A8020 540140 ARC23 Contracted Service-ARC; therefore be it

RESOLVED: That TransPro is hereby selected to prepare Tioga County's 2023 Strategic Plan and the Chair of the County Legislature is authorized to execute a contract between Tioga County and TransPro setting forth the rights and obligations of the parties consistent with the RFP and the proposal submitted by TransPro upon review by the County Attorney.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -23 AUTHORIZE CONTRACT EXTENSION WITH  
TRIAD GROUP, LLC FOR WORKERS'  
COMPENSATION ADMINISTRATION

WHEREAS: The Tioga County Self-Insurance Plan has been using the services of Triad Group LLC (Triad) as the workers' compensation third-party administrator (TPA) since June 1, 2020 when Triad was selected through a Request for Proposal (RFP) in the first quarter of 2020; and

WHEREAS: The RFP was to select a TPA for a three-year period with the option for a one-year renewal up to two years; and

WHEREAS: Triad has a dedicated in-house team of claims adjusters, nurse case managers, legal representatives, and medical bill auditors that work together to provide effective proactive management on all workers' compensation claims; and

WHEREAS: Triad communicates with all representatives of the Tioga County Self-Insurance Plan to ensure that cases are handled appropriately; and

WHEREAS: Tioga County Self-Insurance Plan has approximately fifty open or reopened claims and continuing with Triad will ensure continuity of claims handling; and

WHEREAS: Triad submitted a one-year contract extension for June 1, 2023 through May 31, 2024 at an annual cost of \$31,000, .05% rate increase over prior year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to contract with Triad, subject to review by the County Attorney, to continue as the third-party administrator for the Tioga County Self-Insurance Plan for the period of June 1, 2023 through May 31, 2024; and be it further

RESOLVED: That the cost of this contract will be paid out of the Tioga County Self-Insurance Fund Account S1720 (540140).

REFERRED TO:

ITCS COMMITTEE  
ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. -23

AUTHORIZE AGREEMENT WITH FRSECURE LLC.  
FOR INTERNAL AND EXTERNAL CYBER SECURITY  
PENETRATION TESTING

WHEREAS: The Chief Information Officer and the Deputy Director of ITCS have completed a search for qualified organizations to complete the annual internal and external Information Security penetration testing of the Tioga County Information Technology Infrastructure; and

WHEREAS: The Chief Information Officer and the Deputy Director of ITCS are recommending an agreement with FRSECURE, LLC to complete robust testing of current internal and external Information Security controls; and

WHEREAS: The penetration testing services will be purchased using the OMNIA Partners Cooperative Purchasing program using the reseller company, SHI; and

WHEREAS: Funding will be provided for using Board of Elections Grant funds H1450 520620 CYBER; therefore be it

RESOLVED: That the Chair of the County Legislature is authorized to execute an agreement between Tioga County and FRSECURE, LLC in the amount of \$22,276.80 to provide robust internal and external penetration testing and reporting, upon review by the County Attorney.

REFERRED TO: ITCS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -23 AMEND RESOLUTION NO. 399-22  
AUTHORIZE AGREEMENT WITH ALL MODE  
COMMUNICATIONS INC. FOR MITEL  
TELECOMMUNICATIONS SYSTEM

WHEREAS: Resolution No. 399-22 authorized that the Chair of the Legislature is authorized to execute a three-year agreement between Tioga County and All Mode Communications, Inc.; and

WHEREAS: The Chief Information Officer would like to amend Resolution No. 399-22 to correct the initial requirement of paying this three-year agreement up-front, to an annual invoice from All Mode Communications; and

WHEREAS: The Chief Information Officer would like to further amend Resolution No. 399-22 to reflect the correct annual invoice amount of \$21,204.00 for a total three-year amount of \$63,612.00; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to execute an agreement between Tioga County and All Mode Communications, Inc. upon review by the County Attorney; and be it further

RESOLVED: That \$21,204.00 for the above contract shall be paid by the Chief Information Officer annually from the budget line A1680 540661 for three years.

REFERRED TO: ITCS COMMITTEE  
PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -23 AMEND RESOLUTION NO. 34-23  
TRANSFER FUNDS TO FUND AND FILL VACANT  
NETWORK ADMINISTRATOR POSITION WITHIN  
INFORMATION TECHNOLOGY AND  
COMMUNICATION SERVICES DEPARTMENT

WHEREAS: Resolution No. 34-23 authorized the Chief Information Officer to transfer funds and amend the ITCS 2023 Operational Budget in the amount of \$65,180.00 to fund an unfilled and vacant Network Administrator position within the Information Technology and Communication Services Department; and

WHEREAS: The Chief Information Officer has been unable to complete a successful search for a qualified candidate to fill the position; and

WHEREAS: The Chief Information Officer has identified alternate sources of increasing efficiency and optimizing workflow within the Information Technology and Communication Services Department; and

WHEREAS: Legislative approval is needed to amend the ITCS 2023 Operational Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Operational Budget:

From: A1680 510010	Full Time	\$65,180.00
To: A1680 540140	Contracting Services	\$48,880.00
A1680 540320	Leased / Service Equipment	\$2,000.00
A1680 540420	Office Supplies	\$500.00
A1680 540660	Telephone	\$10,000.00
A1680 540733	Training / All Other	\$3,800.00

And be it further

RESOLVED: That the vacant Network Administrator position within the Information Technology and Communication Services Department shall be unfunded, effective May 9, 2023.

REFERRED TO: ITCS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -23 TRANSFER FUNDS AND AUTHORIZE AGREEMENT  
WITH VERTIV, INC TO REPLACE AC/DC  
CAPACITORS AND FAN ON UNINTERRUPTABLE  
POWER SUPPLY UNIT AT 56 MAIN STREET

WHEREAS: The fans and AC/DC capacitors on the Uninterruptable Power Supply (UPS) located in the Data Center at 56 Main Street have a start-up date of November 1999, making them 23 years old; and

WHEREAS: The service life of those capacitors and fans is seven to ten years old; and

WHEREAS: VERTIV, Inc. has provided a quote of \$4,488.00 for hardware and installation services; and

WHEREAS: This was an unplanned expense and was not included in the ITCS Capital Budget for 2023; and

WHEREAS: Legislative approval is needed to amend the ITCS 2023 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Capital Budget:

From: H387805	ITCS Capital HW Reserve	\$4,488.00
To: H1680 521090	Computer	\$4,488.00

And be it further

RESOLVED: That the Chair of the Legislature is authorized to execute an agreement between Tioga County and VERTIV, Inc. upon review by the County Attorney; and be it further

RESOLVED: That \$4,488.00 for the above contract shall be paid by the Chief Information Officer from the budget line H1680 521090 following the completion of the budget transfer from H387805 ITCS Capital HW Reserve to H1680 521090 ITCS Computer account.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -23 ACCEPT INDIGENT LEGAL SERVICES AWARD  
AND AMEND 2023 BUDGET

WHEREAS: The Assigned Counsel Administrator's Office has been awarded an Indigent Legal Services Grant (C130049) in the amount of \$61,902.00; and

WHEREAS: The Tioga County ILS was awarded \$61,902.00 from 01/01/23 through 12/31/25; and this funding now needs to be appropriated; therefore be it

RESOLVED: That the ILS Grant of \$61,902.00 be appropriated and the 2023 Budget be amended as follows:

Revenue Account: A1173 430260 State Aid Indigent	\$ 61,902.00
Expense Account: A 1173 510010 Full Time Salary	\$ 44,778.79
A 1173 510020 Part Time Salary	\$ 13,215.69
A 1173 540040 Books/Westlaw	\$ 1,575.92
A 1173 540620 Software	\$ 2,331.60

And be it further

RESOLVED: That available funds on year end of the original \$61,902.00 will be carried forward into future years until used.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -23 AUTHORIZATION TO APPLY FOR GRANT  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has identified a grant opportunity to provide funding toward the Child Passenger Safety Program (CPS); and

WHEREAS: County Policy requires Legislative approval for grant applications; and

WHEREAS: TCPH seeks approval from Tioga County Legislature to apply for the Community Foundation Grant for the purpose of purchasing car seats to distribute to eligible residents through the CPS; and

WHEREAS: The amount of the grant funding is not yet determined, yet has a maximum award amount of \$5,000; and

WHEREAS: There will be no additional County cost for the grant (i.e. cash match) if awarded; and

WHEREAS: If awarded the grant, TCPH will submit a resolution to appropriate the funds at that time; and

WHEREAS: The Tioga County Legislature supports TCPH in pursuing funding to provide this program to Tioga County residents; therefore be it

RESOLVED: That Tioga County Public Health is authorized to submit a grant application to the Community Foundation for a maximum award amount of \$5,000.



REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -23 APPROVE TECHNICAL ASSISTANCE PROVIDED  
TO THE CAMPVILLE FIRE DEPARTMENT

WHEREAS: A resolution is required by County policy to disclose matching cash and or in-kind contributions from the County for grant applications written for the County and/or by the County on behalf of a municipality or entity; and

WHEREAS: The Campville Fire Department (CFD) was desirous of obtaining grant funds by way of the Community Foundation for the purpose of buying supplies to support its Community Education Program; and

WHEREAS: Tioga County Economic Development Community Development Specialist (CDS) provided technical assistance for said grant application for a period of one-half hour; and

WHEREAS: There is no further obligation by the County; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the technical assistance provided to the Campville Fire Department.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -23 APPROVE TECHNICAL ASSISTANCE PROVIDED  
TO THE JOSHUA HOUSE BY WAY OF  
TIOGA COUNTY YOUTH BUREAU

WHEREAS: A resolution is required by County policy to disclose matching cash and or in-kind contributions from the County for grant applications written for the County and/or by the County on behalf of a municipality or entity; and

WHEREAS: The Joshua House was desirous of obtaining grant funds by way of the Tioga County Youth Bureau for the purpose of continued support of the Joshua House Nutrition Program; and

WHEREAS: The Tioga County Community Development Specialist provided technical assistance for said grant application for the period of two and one-half hours; and

WHEREAS: There is no further obligation by the County; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the technical assistance provided to the Joshua House.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -23 APPROVE TECHNICAL ASSISTANCE PROVIDED  
TO THE JOSHUA HOUSE BY WAY OF  
TIOGA COUNTY UNITED WAY

WHEREAS: A resolution is required by County policy to disclose matching cash and or in-kind contributions from the County for grant applications written for the County and/or by the County on behalf of a municipality or entity; and

WHEREAS: The Joshua House was desirous of obtaining grant funds by way of the Tioga County United Way for the purpose of continued support of the Joshua House Nutrition Program; and

WHEREAS: The Tioga County Community Development Specialist provided technical assistance for said grant application for a period of six hours; and

WHEREAS: There is no further obligation by the County; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the technical assistance provided to the Joshua House.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -23 APPROVE TECHNICAL ASSISTANCE PROVIDED  
TO THE CANDOR EMERGENCY SQUAD

WHEREAS: A resolution is required by County policy to disclose matching cash and or in-kind contributions from the County for grant applications written for the County and/or by the County on behalf of a municipality or entity; and

WHEREAS: The Candor Emergency Squad (CES) was desirous of obtaining grant funds by way of the United Way for the purpose of replacing obsolete computers; and

WHEREAS: The Tioga County Community Development Specialist provided technical assistance for said grant application for a period of one-half hour; and

WHEREAS: There is no further obligation by the County; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the technical assistance provided to the Candor Emergency Squad.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -23 APPROVE TECHNICAL ASSISTANCE  
PROVIDED TO INSPIRE-SVE

WHEREAS: A resolution is required by County policy to disclose matching cash and or in-kind contributions from the County for grant applications written for the County and/or by the County on behalf of a municipality or entity; and

WHEREAS: INSPIRE-SVE was desirous of obtaining grant funds by way of the Floyd Hooker Foundation for the purpose of rehabilitating the perimeter trail around Nichols Park Pond; and

WHEREAS: The Tioga County Community Development Specialist provided technical assistance for said grant application for a period of four and one-half hours; and

WHEREAS: There is no further obligation by the County; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the technical assistance provided to INSPIRE-SVE.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -23 APPROVE FUNDING  
2023 YOUTH BUREAU PROGRAM FUNDING

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 Board has reviewed 2023 applications for funding which are consistent with guidelines previously presented to the Legislative Committee; therefore be it

RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year January 1, 2023 – September 30, 2023 be approved by the Tioga County Legislature in the amounts indicated:

Northern Tioga Joint Summer Rec Program	\$4,000
Cornell Cooperative Extension Family Resource Center	\$4,000
Spencer Van-Etten Schools PAVE	\$1,000
Village of Waverly Summer Rec	\$1,500
Kali's Klub House 7 Keys to Success	\$3,490
Town of Owego Waterman Rec Camp	\$4,000
Catholic Charities	\$4,000
Lions Camp Badger	\$4,000
A Better Life Joshua's House	\$3,460
Tioga County Council on the Arts	\$2,400
Tioga County Boys & Girls Club	\$3,000
Tioga County Youth Bureau dues (required)	\$ 100
Total Regular Allocation	\$34,950
Tioga County Boys & Girls Club – Youth Sports & Education Funds	\$15,220
GRAND TOTAL	\$50,170

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 ESTABLISH NEW BUDGET LINE,  
MODIFY REAL PROPERTY 2023 BUDGET AND  
TRANSFER FUNDS FOR THE PURCHASE OF  
A LAPTOP COMPUTER, DOCKING STATION, AND  
COMPUTER MONITOR

WHEREAS: The County Director of Real Property Tax Services has found a need for a laptop computer, docking station, and computer monitor; and

WHEREAS: Real Property's budget does not have an established computer expense line for the purchase of this equipment; and

WHEREAS: Amending Real Property's budget with the addition of a computer expense line, A1355 520090 and transfer of funds requires Legislative approval; therefore be it

RESOLVED: That the Real Property budget be modified with the newly established budget line A1355 520090 Computers and the following funds transferred to authorize the Director of Real Property Tax Services to purchase the laptop computer, docking station, and computer monitor.

From: A1355 540650 Taxes \$1,059.99

To: A1355 520090 Computers \$1,059.99

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23 ESTABLISH NEW BUDGET LINE,  
MODIFY 2023 BUDGET AND TRANSFER FUNDS  
LAW DEPARTMENT

WHEREAS: The Legal department has identified a need for a budget line to be established for the payment of an attorney and judge for after-hours arraignments of adolescent offenders; and

WHEREAS: There is no line item for this expenditure and Legislative approval is required for budget amendments; therefore be it

RESOLVED: That Legal's 2023 budget be modified with the newly established LEGAL FEES-ADOLESCENCE OFFENDER budget line A1420 540331; and be it further

RESOLVED: That the following funds be transferred:

FROM: A1420	510050	ALL OTHER	\$2000.00
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TO: A1420	540331	LEGAL FEES- ADOLESCENCE OFFENDER	\$2000.00
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REFERRED TO: ED&P COMMITTEE  
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -23 TRANSFER FUNDS 2023 BUDGET  
SOLID WASTE

WHEREAS: Tioga County Solid Waste's Sustainability Manager has funds from a Clean Energy Communities grant; and

WHEREAS: These funds are for energy efficiency and clean energy equipment; and

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

RESOLVED: That the Tioga County Legislature authorizes the transfer of \$568.99 and appropriate funds as follows:

From: A8160 540420 Supplies (Not Office)	\$568.99
To: A8160 520280 Tools Large/Power	\$568.99

REFERRED TO: PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -23 TRANSFER FUNDS/  
FUND SELF-INSURANCE PLAN RESERVE

WHEREAS: Tioga County Local Law No. 2 of 2015 established a Contributed Reserve cap of \$6,000,000 for the Tioga County Self Insurance Plan; and

WHEREAS: Tioga County Local Law No. 2 of 2015 allows for the transfer of surplus funds from the fund balance to the reserve; and

WHEREAS: The 2022 Tioga County Self Insurance operating budget had surplus funds of \$40,091.06 in the fund balance; and

WHEREAS: The December 31, 2022 Tioga County Self Insurance Plan Fund Balance is \$1,066,508.67; and

WHEREAS: The December 31, 2022 Tioga County Self Insurance Contributed Reserve Fund is \$4,351,258.20; therefore be it

RESOLVED: That the Tioga County Treasurer is authorized to transfer funds as follows:

From: Self-Insurance Fund Balance S 390900	\$40,091.06
To: Self-Insurance Contributed Reserve Fund S 375300	\$40,091.06

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. - 23 AMEND 2023 BUDGET  
TIOGA CAREER CENTER

WHEREAS: Information Technology and Communication Systems (ITCS) has determined that replacement of the Employment Center laptops is necessary to facilitate our training classes; and

WHEREAS: Tioga County Employment Center has been working with ITCS to purchase five (5) laptop computers; and

WHEREAS: Transfer of funds between Education Reimbursement (54) and Computers (52) requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: CD6293.540190	Education Reimbursement	\$1,360.00
To: CD6293.520090	Computers	\$1,360.00

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AMEND RESOLUTION NO. 171-23  
RECLASSIFY RECORDS MANAGEMENT CLERK  
POSITION IN MENTAL HYGIENE

WHEREAS: Resolution No. 171-23 reclassified the Records Management Clerk position (CSEA salary grade VI) filled by Amy Joyce to full-time Records Management Technician (CSEA salary grade VII); and

WHEREAS: Resolution No. 171-23 indicates that Ms. Joyce's salary will be retroactive to November 14<sup>th</sup>, 2022, through December 30<sup>th</sup>, 2022 at an annual salary of the 2022 CSEA SG VII \$37,904.00 then be retroactive beginning January 2, 2023 at the 2023 CSEA SG VII annual salary of \$39,041.00. The changes will be reflected in 2023 payroll #9; and

WHEREAS: Ms. Joyce received a \$500 increment for five years of service on December 18, 2022; therefore be it

RESOLVED: Ms. Joyce's salary will be retroactive November 14, 2022, through December 17, 2022 at an annual salary of \$38,278 then retroactive December 18, 2022 through December 31, 2022 at an annual salary of \$38,778 and will be reflected in payroll #11; and be it further

RESOLVED: Ms. Joyce's salary will be \$39,941 retroactive to January 1, 2023, and will be reflected in payroll #11.

REFERRED TO: PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AUTHORIZE POSITION RECLASSIFICATION  
PUBLIC WORKS

WHEREAS: Legislative approval is required for position reclassification; and

WHEREAS: On April 25, 2023, the Personnel Department received a position description questionnaire from James Vandemark, Maintenance Mechanic II (CSEA grade 4) who works within the Building and Grounds unit of the Public Works Department; and

WHEREAS: This resulted in the review of work tasks performed by Mr. Vandemark in comparison to the Maintenance Mechanic classification levels; and

WHEREAS: Due to the type of work assigned to and performed by Mr. Vandemark which routinely involves three skill trades, the Personnel Officer has determined justification exists to classify Mr. Vandemark to a Maintenance Mechanic III (CSEA grade 3); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of one Maintenance Mechanic II position currently filled by James Vandemark to Maintenance Mechanic III and that Mr. Vandemark shall receive an increase of \$0.76 to his current hourly rate; and be it further

RESOLVED: That James Vandemark's new hourly rate will be \$20.71 retroactive to April 25, 2023.

REFERRED TO: PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AUTHORIZE POSITION RECLASSIFICATION  
PUBLIC WORKS

WHEREAS: Legislative approval is required for position reclassification; and

WHEREAS: On April 25, 2023, the Personnel Department received a position description questionnaire from Keith French, Maintenance Mechanic II (CSEA grade 4) who works within the Building and Grounds unit of the Public Works Department; and

WHEREAS: This resulted in the review of work tasks performed by Mr. French in comparison to the Maintenance Mechanic classification levels; and

WHEREAS: Due to the type of work assigned to and performed by Mr. French which routinely involves three skill trades, the Personnel Officer has determined justification exists to classify Mr. French to a Maintenance Mechanic III (CSEA grade 3); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of one Maintenance Mechanic II position currently filled by Keith French to Maintenance Mechanic III and that Mr. French shall receive an increase of \$0.76 to his current hourly rate; and be it further

RESOLVED: That Keith French's new hourly rate will be \$20.92 retroactive to April 25, 2023.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -23 AUTHORIZE APPOINTMENT OF  
CIVIL SERVICE TECHNICIAN TRAINEE &  
SR. CIVIL SERVICE TECHNICIAN  
(PERSONNEL DEPARTMENT)

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: Due to numerous retirements within the department the Personnel Officer has reviewed work assignments, staffing structure, and future succession training needs within the department for the administration of Civil Service; and

WHEREAS: In order to address said issues, the Personnel Officer has determined that creating a Civil Service Technician Trainee, and a Senior Civil Service Technician will help in those efforts; therefore be it

RESOLVED: That Karen Weston is appointed to the title of Civil Service Technician Trainee, at an annual, Management/Confidential salary of \$38,000.00 retroactive to May 8, 2023; and be it further

RESOLVED: That Kelly Quick is provisionally appointed to the title of Senior Civil Service Technician, pending successful completion of civil service examination requirements, at an annual, Management/Confidential salary of \$49,393 retroactive to May 8, 2023.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -23 AUTHORIZE APPOINTMENT OF  
CIVIL SERVICE ASSISTANT  
(PERSONNEL DEPARTMENT)

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: Due to promotion, the position of Civil Service Assistant will become vacant as of May 8, 2023 within the Personnel Department; and

WHEREAS: The Personnel Officer has conducted a recruitment search and has identified a desirable candidate; therefore be it

RESOLVED: That Christie Farnham is appointed to the title of Civil Service Assistant, at an annual, Management/Confidential salary of \$33,855.00 effective May 10, 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: On April 11, 2023, the New York State Department of Labor (DOL), in consultation with the New York State Division of Human Rights, released a revised sexual harassment policy; and

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 replaced as follows:

**r. SEXUAL HARASSMENT PREVENTION POLICY**

**TIOGA COUNTY SEXUAL HARASSMENT PREVENTION POLICY**

Sections:

- I. Purpose and Goals
- II. Sexual Harassment and Discrimination Prevention Policy
- III. What is Sexual Harassment
- IV. Retaliation
- V. Reporting Sexual Harassment
- VI. Supervisory Responsibilities
- VII. Bystander Intervention
- VIII. Complaints and Investigation of Sexual Harassment
- IX. Legal Protections and External Remedies
- X. Conclusion

**I. Purpose and Goals**

Tioga County is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of

gender-based discrimination, but Tioga County recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to act when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of Tioga County's commitment to a discrimination-free work environment.

### **Goals of this Policy:**

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment.

Employees will:

- learn what harassment and discrimination look like
- what actions they can take to prevent and report harassment
- how they are protected from retaliation after taking action

The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination 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. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

## **II. Sexual Harassment and Discrimination Prevention Policy:**

1. Tioga County's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals 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 through a contract with Tioga County. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals 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 happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of Tioga County who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, the County Attorney, or Personnel Officer. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on [Legal Protections](#).

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject Tioga County to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. Tioga County will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. Tioga County will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, Tioga County will act as required. In addition to any required discipline, Tioga County will also take steps to ensure a safe work environment for the employee(s) who experienced discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

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/or the Personnel Officer.

7. This policy applies to all employees and covered individuals, 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 in person or digitally through email upon hiring and will be posted prominently in all work

locations. For those offices operating remotely, in addition to sending the policy by email, it will also be available on the organization's shared network.

### **III. What Is Sexual Harassment?**

Sexual harassment is a form of gender-based discrimination that 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 not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

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. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of Tioga County's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an

individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are 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, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee'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 or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of**

**behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- 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; or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
  
- Unwanted sexual comments, 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;
    - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
  
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
  
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
  
- 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;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, 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;
    - Intentional misuse of an individual's preferred pronouns; or
    - Creating different expectations for individuals based on their perceived identities:
      - Dress codes that place more emphasis on women's attire;
      - Leaving parents/caregivers out of meetings.

### **Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or



- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

### **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 or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

## **IV. Retaliation**

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced 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 them 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.

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 or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; 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.

## **V. Reporting Sexual Harassment**

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory 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 written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on [Legal Protections](#).

## **VI. 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 sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the County Attorney or Personnel Officer. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject 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 impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

## **VII. Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

## **VIII. Complaints and Investigations of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Tioga County will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

Tioga County recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the County Attorney and/or Personnel Officer:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If the complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the County Attorney and/or Personnel Officer will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The County Attorney and/or Personnel Officer will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;

6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

## **IX. Legal Protections and External Remedies**

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

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals 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 also seek the legal advice of an attorney.

### **New York State Division of Human Rights:**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **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 three years are 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 harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief

varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive 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](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://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 your 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 you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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 by 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with the New York State Division of Human Rights, 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 or discrimination 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, 1<sup>st</sup> Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://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. Those wishing to pursue criminal charges are encouraged to contact their local police department.

## **X. Conclusion**

The policy outlined above is aimed at providing employees at Tioga County and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.



REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:  
SECTION IX. SAFETY RULES, SUBSECTION M.  
RESTRICTING FIREARMS AND OTHER  
WEAPONS IN OR ON COUNTY BUILDINGS,  
WORKSITES OR VEHICLES

WHEREAS: To ensure Tioga County maintains a workplace safe and free from violence for all employees, Tioga County prohibits the possession or use of dangerous weapons on County property; and

WHEREAS: The Tioga County Restricting Firearms and Other Weapons in or on County Buildings, Worksites or Vehicles Policy needs to be amended in whole due to numerous updates and changes; and

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

RESOLVED: That the Tioga County Restricting Firearms and Other Weapons in or on County Buildings, Worksites or Vehicles Policy be amended in its entirety and replaced as follows:

**m. RESTRICTING FIREARMS AND OTHER WEAPONS IN OR ON COUNTY BUILDINGS, WORKSITES OR VEHICLES**  
**(FORMERLY POLICY #49)**

**POLICY ON RESTRICTING FIREARMS AND OTHER WEAPONS IN OR ON COUNTY BUILDINGS, WORKSITES OR VEHICLES**

- I. Policy Statement
- II. Employee Responsibilities
- III. Supervisor/Department Head Responsibilities
- IV. Violation of Policy

**I. POLICY STATEMENT**

No person shall possess any "Deadly Weapon" as defined in New York State Penal Law Section 10.00, Subsection 12, as referred to in Subdivision I (A) of this policy, or any of the enumerated items described in Subdivision I (B), of this policy, in any building owned, leased, or operated by the County or at a worksite of the County, or in a vehicle owned or leased by the County;

provided however that the term 'worksite' or "building" shall not be construed to include any parking lot or exterior building grounds of any building owned, leased, or operated by the County, provided, however, that this policy shall not be interpreted in a manner which would limit the right of a member of the public to carry or possess any lawful weapon in or upon any public highway, right of way, or parking lot.

New York Penal Law Section 10.00 (12) (as of April 11, 2005,) defines the term 'deadly weapon' as including but not limited to: "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles or metal knuckles".

- A. The following items are prohibited: all rifles, handguns, shotguns, long guns, and machine guns including those using BB's, pellets, or darts, imitation pistols, any other dangerous deadly instrument or any weapon, whether loaded or unloaded.
- B. In addition to the items defined in the above Section I (A), the following items are likewise prohibited but not limited to: knives, switchblades, shivs, shanks, mace, pepper spray, tasers or electric shock devices, slingshots, martial art devices, dynamite and other high explosives, black powder, pellet powder, detonators, safety fuses, igniters, fireworks, ammunition, bombs and grenades.

This policy does not apply to the Sheriff or any deputies or to any other person or persons of municipal, County, State and Federal governments specifically authorized by law to possess any of the above weapons as part of their public job duties.

Individuals in possession of a valid concealed weapons permit are not exempt under this policy and are prohibited from carrying firearms on County property at any time.

The possession, transfer, use and/or distribution of weapons, explosives, or firearms is prohibited on Tioga County property, at County-sponsored events, while conducting County business, or while attending off-site events where employees are representing the County in an official capacity.

Tioga County shall provide a copy of this policy to employees upon hire and make the policy accessible to all individuals via the County website.

**II. EMPLOYEE RESPONSIBILITIES**

- A. Any County employee who observes, suspects, or has knowledge of an individual in possession of weapons, explosives, or firearms not connected to their employment as a law enforcement officer must report this to their Supervisor and/or Department Head immediately.
- B. Any County employee who observes unattended items they reasonably believe to be weapons, explosives, or firearms must immediately report this to their Supervisor and/or Department Head immediately.
- C. In applying this policy, no employee shall take any action that will risk their own safety or the safety of other individuals. No attempt should ever be made by an employee to restrain or forcibly evict an armed person from county property.
- D. Employees who feel an immediate risk to their safety or the safety of others should avoid any interaction with the individual. Steps should be taken to secure the area and the employee shall immediately call 911.

**III. SUPERVISOR/DEPARTMENT HEAD RESPONSIBILITIES**

- A. Supervisors and Department Heads are expected to be knowledgeable of and shall be responsible for implementing this policy within their respective departments.

**IV. VIOLATION OF POLICY**

- A. Employee Violations
  - 1. In the event of any observed or suspected violations of this policy, Supervisors and/or Department Heads shall inform the employee(s) that they are in violation of the policy and request the weapon, explosive, or firearm be removed from the premises immediately. Any weapon, firearm, or explosive found by Supervisors and/or Department Heads may also be confiscated at the Department Head or Supervisor's discretion.
  - 2. Supervisors and/or Department Heads shall immediately notify the Personnel Officer or their designee of any observed or suspected violations of this policy upon discovery or receiving a report from any individual with a concern.
  - 3. The Personnel Officer or their designee shall investigate reported violations of this policy immediately and assist Department Heads with initiating appropriate action(s) to respond to violations of this policy. Where appropriate the Personnel Officer or their designee may refer the matter to law enforcement for investigation and prosecution.
  - 4. If a violation is believed to be immediate and life threatening, Supervisors and/or Department Heads should immediately call 911.

- B. Violation of this policy by County appointed officers shall subject such officer to discipline up to and including immediate suspension or discharge in accordance with State Law, County, union, and Civil Service discipline and discharge procedures. Discipline is in addition to, and not in lieu of, any criminal or other action provided by Federal or State law.
- C. Violation of this policy by elected officials shall be governed by the applicable provisions of the County Law or other laws of the State of New York which apply to the conduct of elected officials.
- D. Members of the general public shall be denied admission to any building owned, leased, or operated by the County or at a worksite of the County, or in a vehicle owned or leased by the County and may be subject to ban from County property at the Department Head's discretion. This should be done in a calm, informative, non-confrontational manner.
- E. The Sheriff shall be notified in writing of any report of any County officer, elected official or employee or member of the general public who is in violation of this policy.
- F. Retaliation against any individual who has reported a possible violation of this policy is prohibited. Incidents of retaliation shall result in disciplinary action, up to and including termination, in accordance with State Law, County, union, and Civil Service discipline and discharge procedures.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:  
ADD NEW POLICY TO SECTION IX. SAFETY RULES;  
SUBSECTION O., ENTITLED RESPIRABLE  
CRYSTALLINE SILICA EXPOSURE CONTROL PLAN

WHEREAS: The Occupational Safety and Health Administration (OSHA) has issued two standards to protect workers from exposure to respirable crystalline silica; one is for construction (Silica Construction Standard) and one for general industry (Silica General Industry Standard). The standards require employers to limit worker exposure to silica dust to less than 50 µg/m<sup>3</sup>, as an 8-hour time-weighted average; and

WHEREAS: Tioga County has employees that may perform tasks that may expose them to silica dust; and

WHEREAS: The Safety Officer has written a Respirable Crystalline Silica Exposure Control Plan for compliance with OSHA and the Public Safety and Health Bureau (PESH) regulations; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the adoption of the Respirable Crystalline Silica Exposure Control Plan; and be it further

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to Section IX, Subsection o. entitled Respirable Crystalline Silica Exposure Control Plan.

**o. RESPIRABLE CRYSTALLINE SILICA EXPOSURE CONTROL PLAN**

**RESPIRABLE CRYSTALLINE SILICA EXPOSURE CONTROL PLAN**

CONTENTS:

- I. INTRODUCTION
- II. SCOPE AND APPLICABILITY
- III. COMPETENT PERSON
- IV. WORK PRACTICE AND ENGINEERING CONTROLS
- V. EXPOSURE DETERMINATION
- VI. HOUSEKEEPING MEASURES
- VII. EXPOSURE ASSESSMENT
- VIII. ALTERNATIVE CONTROLS
- IX. RESPIRATORY PROTECTION
- X. WORK AREA RESTRICTION

- XI. MEDICAL SURVEILLANCE
- XII. TRAINING
- XIII. RECORDS
- XIV. ANNUAL REVIEW AND UPDATE
- XV. AVAILABILITY

## **I. INTRODUCTION**

This Exposure Control Plan is established to ensure that employee exposures to crystalline silica are minimized to safe or negligible levels, and to comply with the OSHA/PESH requirements. It is Tioga County's policy to provide a place of employment that is free from recognized hazards that cause or are likely to cause death or serious physical harm to employees or the public. Therefore, employees shall not perform any silica related job activity without the proper training, and use of engineering controls, safe work practices, and respiratory protection to ensure the safety of exposed employees.

## **II. SCOPE AND APPLICABILITY**

Silica exposure can occur in job activities that involve road building and concrete construction where sand, gravel, and concrete are used. Construction related activities including cutting, drilling, grinding, grouting operations, and use of heavy equipment during demolition activities involving silica-containing materials can also contribute to crystalline silica exposure.

The Permissible Exposure Limit (PEL) for worker exposures to silica is 50 micrograms of respirable crystalline silica per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ) as an 8-hour time-weighted average (TWA).

Overexposure of respirable crystalline silica adversely affects the lungs and may cause silicosis, lung cancer, or other diseases. This safety policy and procedure provides guidelines to protect employees from the immediate and long-term effects of respirable crystalline silica.

## **III. COMPETENT PERSON**

The following persons are designated as a "Competent Persons" tasked with making frequent and regular inspections of job sites, materials, and equipment, to implement this written plan:

- Commissioner Of Public Works
- Deputy Commissioner of Public Works
- Highway Supervisors
- Building and Grounds Supervisors
- Tioga County Safety Officer

#### IV. WORK PRACTICE AND ENGINEERING CONTROLS

The Table below lists construction activities with potential silica exposure, along with required engineering and work practice controls. We will follow these engineering and work practice control methods for the specified tasks in all instances.

If methods of exposure control are not sufficient to limit exposure requirements, Personal Protective Equipment (PPE) shall be provided. The exception is where employee exposure will remain below the action level of 25 µg/m<sup>3</sup> as an 8-hour TWA under any foreseeable conditions.

TABLE I

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
(i) Stationary masonry saws	Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None
(ii) Handheld power saws (any blade diameter)	Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions:		
	-When used outdoors	None	APF 10
	-When used indoors or in an enclosed area	APF 10	APF 10

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
(iii) Handheld power saws for cutting fiber-cement board (with blade diameter of 8 inches or less)	For tasks performed outdoors only: Use saw equipped with commercially available dust collection system. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions. Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency.	None	None
(iv) Walk-behind saws	Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions:		
	-When used outdoors	None	None
	-When used indoors or in an enclosed area	APF 10	APF 10
(v) Drivable saws	For tasks performed outdoors only:		
	Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None



Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
(vi) Rig-mounted core saws or drills	Use tool equipped with integrated water delivery system that supplies water to cutting surface. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None
(vii) Handheld and stand-mounted drills (including impact and rotary hammer drills)	Use drill equipped with commercially available shroud or cowling with dust collection system. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions. Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism. Use a HEPA-filtered vacuum when cleaning holes.	None	None
(viii) Dowel drilling rigs for concrete	For tasks performed outdoors only:		
	Use shroud around drill bit with a dust collection system. Dust collector must have a filter with 99% or greater efficiency and a filter cleaning mechanism Use a HEPA-filtered vacuum when cleaning holes.	APF 10	APF 10

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
(ix) Vehicle-mounted drilling rigs for rock and concrete	Use dust collection system with close capture hood or shroud around drill bit with a low-flow water spray to wet the dust at the discharge point from the dust collector.	None	None
	OR		
	Operate from within an enclosed cab and use water for dust suppression on drill bit.	None	None
(x) Jackhammers and handheld powered chipping tools	Use tool with water delivery system that supplies a continuous stream or spray of water at the point of impact:		
	-When used outdoors	None	APF 10
	-When used indoors or in an enclosed area	APF 10	APF 10
	OR		
	Use tool equipped with commercially available shroud and dust collection system.		
	Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.		
	Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism:		

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
	-When used outdoors	None	APF 10
	-When used indoors or in an enclosed area	APF 10	APF 10
(xi) Handheld grinders for mortar removal (i.e., tuck-pointing)	Use grinder equipped with commercially available shroud and dust collection system.	APF 10	APF 25
	Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.		
	Dust collector must provide 25 cubic feet per minute (cfm) or greater of airflow per inch of wheel diameter and have a filter with 99% or greater efficiency and a cyclonic pre-separator or filter-cleaning mechanism.		
(xii) Handheld grinders for uses other than mortar removal	For tasks performed outdoors only: Use grinder equipped with integrated water delivery system that continuously feeds water to the grinding surface.	None	None
	Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.		
	OR		
	Use grinder equipped with commercially available shroud and dust collection system		

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
	Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.		
	Dust collector must provide 25 cubic feet per minute (cfm) or greater of airflow per inch of wheel diameter and have a filter with 99% or greater efficiency and a cyclonic pre-separator or filter-cleaning mechanism:		
	-When used outdoors	None	None
	-When used indoors or in an enclosed area	None	APF 10
(xiii) Walk-behind milling machines and floor grinders	Use machine equipped with integrated water delivery system that continuously feeds water to the cutting surface.	None	None
	Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.		
	OR		
	Use machine equipped with dust collection system recommended by the manufacturer.	None	None
	Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.		

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
	Dust collector must provide the air flow recommended by the manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism.		
	When used indoors or in an enclosed area, use a HEPA-filtered vacuum to remove loose dust in between passes.		
(xiv) Small drivable milling machines (less than half-lane)	Use a machine equipped with supplemental water sprays designed to suppress dust. Water must be combined with a surfactant.	None	None
	Operate and maintain machine to minimize dust emissions.		
(xv) Large drivable milling machines (half-lane and larger)	For cuts of any depth on asphalt only: Use machine equipped with exhaust ventilation on drum enclosure and supplemental water sprays designed to suppress dust.	None	None
	Operate and maintain machine to minimize dust emissions.		
	For cuts of four inches in depth or less on any substrate:		
	Use machine equipped with exhaust ventilation on drum enclosure and supplemental water sprays designed to suppress dust.	None	None

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
	Operate and maintain machine to minimize dust emissions.		
	OR		
	Use a machine equipped with supplemental water spray designed to suppress dust. Water must be combined with a surfactant.	None	None
	Operate and maintain machine to minimize dust emissions.		
(xvi) Crushing machines	Use equipment designed to deliver water spray or mist for dust suppression at crusher and other points where dust is generated (e.g., hoppers, conveyers, sieves/sizing or vibrating components, and discharge points).	None	None
	Operate and maintain machine in accordance with manufacturer's instructions to minimize dust emissions.		
	Use a ventilated booth that provides fresh, climate-controlled air to the operator, or a remote-control station.		
(xvii) Heavy equipment and utility vehicles used to abrade or fracture silica-containing materials (e.g., hoe-ramming, rock ripping) or used during demolition activities involving silica-containing materials	Operate equipment from within an enclosed cab.	None	None
	When employees outside of the cab are engaged in the task, apply water and/or dust suppressants as necessary to minimize dust emissions.	None	None

Equipment/task	Engineering and work practice control methods	Required respiratory protection and minimum assigned protection factor (APF)	
		≤ 4 hours/shift	>4 hours/shift
(xviii) Heavy equipment and utility vehicles for tasks such as grading and excavating but not including: Demolishing, abrading, or fracturing silica-containing materials	Apply water and/or dust suppressants as necessary to minimize dust emissions.	None	None
	OR		
	When the equipment operator is the only employee engaged in the task, operate equipment from within an enclosed cab.	None	None

## V. EXPOSURE DETERMINATION

Below are the staff members covered under this plan, and the specific operations in which they have potential exposure to crystalline silica:

TABLE II

Job Title	Activity or operation	Frequency (per year)
Highway Maintenance Workers and Supervisors, Building and Grounds Maintenance Mechanics	Cutting, grinding, chipping, or breaking up of concrete or asphalt	Occasionally, up to approximately 10 days per year as part of other operations

## VI. HOUSEKEEPING MEASURES

Employees will:

- Use wet methods, such as a water spray on the dust source, wet mopping or wiping, (non-silica containing) sweeping compounds, or vacuums with HEPA filters to remove dust from floors and surfaces.
- Keep bags and other containers of silica-containing waste tightly closed to prevent the dust from escaping and becoming airborne.

Employer will:

- Provide employees with a place to wash up close to the worksite if possible.

- Provide employees with access to vacuums with HEPA filters so that they can safely remove dust from their work clothes before going home.

Employees will not:

- Dry sweep or dry dust to clean up.
- Use compressed air to blow the dust away from surfaces or remove dust from clothing.

**VII. EXPOSURE ASSESSMENT**

Exposure and work practice controls as noted in TABLE 1 will be used. Exposures above action limits are not anticipated, but in the event of failure of engineering controls, proper PPE including AFP10 respirators will be worn by employees in proximity to source.

**VIII. ALTERNATIVE CONTROLS**

For any equipment and tasks conducted in this facility and not listed in TABLE I, alternative control methods will be used to control exposures below the PEL, which may include the following: Wet methods, ventilation, enclosures. These equipment and tasks are shown below, along with the control methods required at this facility:

TABLE III

Task/equipment	Required engineering and/or work practice control	Required respiratory protection
Road Sweeping	Continuous water supply to wet materials, enclosed vehicle cab with properly rated cabin air filter.	None, if operator is in an enclosed cab with properly rated cabin air filter, and continuous water supply to wet material surfaces.

**IX. RESPIRATORY PROTECTION**

Respirators will be used where required under TABLE I, or where required under another OSHA Standard (for example, abrasive blasting with silica sand). All users of respirators will be included in a Respiratory protection program (with the exception of voluntary use of filtering facepiece respirators). Please refer to Tioga County's Respiratory Protection Program. The following staff members/job titles will be included in a Respiratory Protection Program for silica:



None. Exposure control methods under TABLE 1 do not require the use of respirators for the tasks listed as they are performed outdoors for less than 4 hours per shift. If visible dust is produced or there occurs a failure of engineering controls, operations will be ceased until the condition is corrected.

## **X. WORK AREA RESTRICTION**

To minimize the number of employees exposed to respirable crystalline silica, including exposures generated by other employers, a restricted work area will be established. Access to this work area will be limited to those involved directly in the work. Signs will be posted as necessary.

## **XI. MEDICAL SURVEILLANCE**

Employees who are required under the OSHA/PESH Standard to use a respirator for 30 or more days per year must be included in a medical surveillance program. The program must be at no cost to the employee and administered at a reasonable time and place.

The following staff members/job titles will be included in a Medical Surveillance Program for Silica:

None: We do not expect any of our staff to meet the threshold for being included in a medical surveillance program.

## **XII. TRAINING**

Each employee will have access to safety data sheets and will be trained in accordance with the provisions of the Hazard Communication Standard and the topics below.

The following topics will be addressed:

- Each affected employee will be able to demonstrate knowledge and understanding of:
- Health hazards associated with exposure to respirable crystalline silica, including cancer, lung effects, immune system effects, and kidney effects;
- Specific tasks in the workplace that could result in exposure to respirable crystalline silica;
- Specific engineering controls, work practices, and respiratory protection implemented for protection against exposure to respirable crystalline silica;
- The contents of the standards;

- The identity of the designated competent person; and
- The purpose and a description of the medical surveillance program.

### **XIII. RECORDS**

Air monitoring/Exposure data. If air monitoring is indicated, this record shall include at least the following information:

- Date for each sample;
- Task monitored;
- Sampling and analytical methods used;
- Number, duration, and results of samples taken;
- Identity of the analytical laboratory;
- Type of PPE worn by the employees; and
- Name, social security number, and job classification of all employees represented by the monitoring, indicating which employees were actually monitored.

Exposure records will be maintained and made available in accordance with 29 CFR 1910.1020<sup>1</sup>.

Objective data (if used to characterize employee exposures in lieu of monitoring): This record shall include at least the following information:

- Crystalline silica-containing material in question;
- Source of the objective data;
- The testing protocol and results of testing;
- A description of the process, task, or activity on which the objective data were based; and
- Other data relevant to the process, task, activity, material, or exposures on which the objective data were based.

Objective data will be maintained and made available in accordance with 29 CFR 1910.1020.

Medical surveillance (if necessary): The record shall include the following information about the employee:

- Name and social security number;
- A copy of written medical opinions; and
- A copy of the information provided to the medical provider.

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<sup>1</sup> See the Publication *Access to Medical and Exposure Records*; U.S. Department of Labor Occupational Safety and Health Administration; OSHA 3110 2001 (Revised)

Medical records will be maintained and made available in accordance with 29 CFR 1910.1020.

**XIV. ANNUAL REVIEW AND UPDATE**

This Plan shall be reviewed and updated at least annually and as needed.

**XV. AVAILABILITY**

This written plan will be made readily available for examination and copying upon request, to employees and their designated representatives.