

REGULAR MEETING, TOWN OF EAST OTTO, October 13, 2026

A regular meeting of the Town Board of the Town of East Otto, County of Cattaraugus and the State of New York was held at the Town Hall, 9014 East Otto Springville Rd East Otto NY on the 13th day of October 2026.

PRESENT:

Ann Rugg	Supervisor
Dave Forster	Council Member
Sid Barber	Council Member
Brian Westfall	Council Member
Shannon Jones	Council Member
Tom Benz	Superintendent of Highways
Deanna Bowen	Clerk
Jeff Holler	Code Enforcement Officer

PUBLIC:

Sharon Huff

The Meeting was called to order, and the Pledge of Allegiance was recited and led by Supervisor Rugg.

RESOLUTION 78-2026

AUDIT OF CLAIMS

On a motion of Councilmember Forster, seconded by Councilmember Barber the following resolution was

ADOPTED	Ayes	5	Forster, Barber, Westfall, Jones, Rugg
	Nayes	0	

Resolved that the bills contained on Abstract #10 with the exception of voucher 83 which needs to be resubmitted with a receipt have been reviewed by the Town Board and are authorized for payment in the following amounts:

Abstract #10			
General Fund	\$	13,749.31	Voucher 68-82
Highway	\$	79,937.17	Voucher 89-100
Capital Projects	\$	1,771.41	Voucher 10

RESOLUTION 79-2026

MEETING MINUTES

On a motion of Councilmember Forster, seconded by Councilmember Barber the following resolution was

ADOPTED Ayes 5 Forster, Barber, Westfall, Jones, Rugg
 Nayes 0

Resolved that the Board approve the meeting minutes from September 8, 2026 as submitted.

RESOLUTION 80-2026

UTILITY BILLS

On a motion of Councilmember Forster, seconded by Councilmember Westfall the following resolution was

ADOPTED Ayes 5 Forster, Barber, Westfall, Jones Rugg
 Nayes 0

Resolved to approve the payment of the September utility bills.

RESOLUTION 81-2026

BUDGET TRANSFER

On a motion of Councilmember Forster, seconded by Councilmember Barber the following resolution was

ADOPTED Ayes 5 Forster, Barber, Westfall, Jones, Rugg
 Nayes 0

Resolved to transfer \$18,425.00 from 5110.41 General Repair Contractual-Black Top to 5110.4 General Repair Contractual

HIGHWAY SUPERINTENDENT

- Tom met with DEC regarding Traffic Street
- The Town road striping is complete
- There is a resident who has a boat parked on the side of the road and refuses to move it
- Fowler road has been blacktopped

TOWN CLERK

- Clerk Bowen submitted the monthly report for September 2026 to the Board. A check was submitted to the Town Supervisor for \$173.07. The report is on file with the Clerk's Office.

RESOLUTION 82-2026

UPDATED POLICIES

On a motion of Councilmember Forster, seconded by Councilmember Barber the following resolution was

ADOPTED	Ayes	5	Forster, Barber, Westfall, Jones, Rugg
	Nayes	0	

Resolved to adopt the following updated policies:

Code of Ethics for Town of East Otto

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district¹ to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the Town Board of the Town of East Otto hereby adopts a code of ethics to read as follows:

Code of Ethics of the Town of East Otto

Section 1. Purpose.

Officers and employees of the Town of East Otto hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town of East Otto Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

- (a) “Board” means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.
 - (b) “Code” means this code of ethics.
 - (c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.
 - (d) “Municipality” means Town of East Otto. The word “municipal” refers to the municipality.
 - (e) “Municipal officer or employee” means a paid or unpaid officer or employee of the Town of East Otto including, but not limited to, the members of any municipal board.
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- (f) “Relative” means a spouse, parent, stepparent, sibling, stepsibling, sibling’s spouse, child, stepchild, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the Town of East Otto and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of East Otto

Section 4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and other matters.

- (a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.
- (b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- (c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person’s supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person’s position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and abstention.

- a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
- (1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

- (2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
- (3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

- (a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:
 - (1) adoption of the municipality's annual budget;
 - (2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (i) all municipal officers or employees;
 - (ii) all residents or taxpayers of the municipality or an area of the municipality; or
 - (iii) the general public; or
 - (3) any matter that does not require the exercise of discretion.
- (b) Recusal and abstention shall not be required with respect to any matter:
 - (1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
 - (2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in conflict with official duties.

- (a) No municipal officer or employee may acquire the following investments:
 - (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
 - (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
 - (1) real property located within the municipality and used as his or her personal residence;
 - (2) less than five percent of the stock of a publicly traded corporation; or

- (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future employment.

- (a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- (c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources

- (a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

- (b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) any use of municipal resources authorized by law or municipal policy;
 - (2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - (3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- (c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

- (a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.
- (b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 14. Nepotism.

Except as otherwise required by law:

- (a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- (b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations.

- (a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- (b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 17. Gifts.

- (a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.
- (b) No municipal officer or employee may directly or indirectly solicit any gift.
- (c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:
 - (1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - (2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (3) the gift is intended as a reward for any official action on the part of the officer or employee.
- (d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
 - (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
 - (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
- (e) This section does not prohibit any other gift, including:
 - (1) gifts made to the municipality;
 - (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
 - (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Board of Ethics.

- (a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of three members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such board of ethics shall be appointed by the Town of East Otto Town Board, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.
- (b) The board of ethics shall render advisory opinions to the officers and employees of the Town of East Otto with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town of East Otto Town Board.

Section 19. Posting and distribution.

- (a) The Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) The Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of East Otto.
- (c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk who must maintain such acknowledgments as a public record.
- (d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 21. Effective date.

This code takes effect on October 13, 2026

TOWN OF EAST OTTO

SEXUAL HARRASSMENT POLICY

Purpose and Goals

The Town of East Otto 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 The Town of East 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 take action 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 The Town of East Otto'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 also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and 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 The Town of East Otto Supervisor. 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.

Adoption of this policy does not constitute a defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Sexual Harassment and Discrimination Prevention Policy:

1. The Town of East Otto'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 The Town of East Otto. 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 The Town of East Otto. 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, or the Town Supervisor. 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 the Town of East Otto 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. The Town of East Otto 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. The Town of East Otto will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, The Town of East Otto will act as required. In addition to any required discipline, The Town of East Otto will also take steps to ensure a safe work environment for the employee(s) who experienced the 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 Town of East Otto Supervisor or Other Town Board member

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 through email, it will also be available on the organization's shared network.
8. All employees of the Town of East Otto will be required to complete Sexual Harassment awareness training yearly. Individuals who complete this training as a group must retain a sign-in sheet documenting the training including type and date of training signed by everyone in attendance. Individuals who complete the training online must present a completed certificate of attendance to the Town Clerk or Supervisor each year.

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 the Town of East Otto'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 meeting

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.

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.

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 or the Town of East Otto Supervisor or other Town Board member. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Town of East Otto Supervisor or other Town Board member.

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](#).

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 Town of East Otto Supervisor or other Town Board member. 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.

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.

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. The Town of East Otto will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Town of East Otto 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 Town of East Otto Supervisor or other Town Board member:

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 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 Town of East Otto Supervisor or other Town Board member 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 Town of East Otto Supervisor or other Town Board member 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.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by The Town of East Otto, 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 the Town of East Otto 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.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on 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 but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed an administrative complaint with 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, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at the Town of East Otto 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.

TOWN OF EAST OTTO

WORKPLACE VIOLENCE PREVENTION PROGRAM

Adopted by the Town Board of the Town of East Otto, NY on October 13, 2026

POLICY STATEMENT

The Town of East Otto (Town) is committed to the safety and security of its employees and the public. It is the intent of the Town to provide an environment for employees and the public that is free from violence.

In general, workplace violence is defined as any physical assault or act of aggressive behavior that occurs when a public employee is performing work-related duties while in the course of his or her employment. The definitions section contained in the Town's workplace violence prevention program includes additional examples of workplace violence.

The goal of this program is to promote the safety and well-being of all people in our workplace. This program is designed to meet the requirements of the New York State Workplace Violence Prevention Regulation under Labor Law Article 2 27-b. All personnel are responsible for notifying the contact persons designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. All incidents of violence or threatening behavior will be responded to immediately upon notification.

Acts of violence against any Town employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted.

All employees are responsible for helping to create an environment of mutual respect for each other as well as visitors. All employees must follow all policies, procedures and practices. All employees must work together to maintain a safe and secure work environment. Authorized employee representatives will be involved in evaluating the physical environment (workplace), developing the Workplace Violence Prevention Program, annually reviewing workplace violence incidents to identify trends, and reviewing the effectiveness of the mitigation actions taken.

This policy statement shall be posted in each of the Town's workplaces in areas where other such notices are typically posted.

Designated Contact Persons: Town Board/Supervisor **Department:** Supervisor

Location: 9134 Bowen Rd. East Otto, NY 14729

Phone: (716) 923-3690

APPLICABILITY

This program applies to all employees including full-time and part-time employees with permanent, probationary, trainee, seasonal, or temporary appointments. This program applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on an employee's ability to perform the assigned duties and responsibilities.

This program also applies to the conduct of former employees, visitors, and strangers toward Town employees while on Town property.

DEFINITIONS

Workplace violence can include, but is not limited to, the following:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee.
- Any intentional display of force which would give an employee reason to fear or expect bodily harm.
- Intentional and wrongful physical contact with a person without his or her consent entails some injury.
- Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Intimidation - Engaging in actions that include but are not limited to stalking or behavior intended to frighten, coerce, or induce duress.

Threat - The expression of intent to cause physical or mental harm. Such expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

Physical Attack - Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Domestic Violence - The use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are currently married, live together, or date or those who have formerly been married, lived together, or dated. Domestic violence encompasses both intimate partner violence and family violence:

- i. Intimate partner violence: Coercive and abusive behaviors used by one partner to maintain power and control over another partner in an intimate relationship. This includes people with any current or former romantic involvement, for example dating, previously dating, on again/off again, married, divorced, living together or apart. Intimate partner violence can occur between people of any gender identity or sexual orientation, and can include manipulation, threats, or the actual use of physical, sexual, emotional, verbal, psychological, or financial abuse.
- ii. Family violence: Any abusive behavior that occurs between members of a family or household who are not involved in a romantic relationship. This includes chosen family as well as people related by blood, marriage, foster care, adoption, or any other familial relationships.
- ii. Family violence can include threats or the actual use of physical, sexual, emotional, verbal, psychological, or financial abuse. Family violence can also include elder abuse which is any action that causes harm or distress to an older person, typically aged 60+.

Gender-based violence: Any type of violence that is rooted in exploiting unequal power relationships between genders. This can include gender norms and gender role expectations specific to a society as well as situational power imbalances and inequities. Gender-based violence can impact anyone, and can include intimate partner and family violence, elder abuse, sexual violence, stalking and human trafficking:

- ii. Sexual violence: Any action that results in the loss or removal of sexual autonomy for a person. Sexual violence includes sexual harassment,⁷ sexual assault, sex trafficking, non-

consensual distribution of intimate images, and any other non-consensual, forced, or drug-facilitated sexual action.

iii. **Stalking:** A pattern of harassing behavior or course of conduct directed at a specific person that would place that person in reasonable fear. Stalking behaviors include, but are not limited to, monitoring someone's activities, following someone, leaving unwanted gifts and notes, and making repeated phone calls to someone and/or their family, friends, or workplace.

iv. **Human trafficking:** The use of power and control to force, defraud or coerce someone into engaging in labor or services, including commercial sex. Traffickers use tactics including violence, emotional manipulation, and psychological threats, exploiting social and economic inequity for their benefit.

Survivor: An individual who is currently subject to, or has in the past been subjected to, domestic or gender-based violence, which may include survivors who use violence to defend themselves. Survivors are sometimes referred to as victims.

Survivor-centered practices: Refers to empowering survivors by prioritizing their rights, needs and wishes.

Person who causes harm: An individual who commits or threatens to commit an act of domestic or gender-based violence. Such people are sometimes referred to as perpetrators, abusive partners, abusers, or batterers.

Order of protection: An order issued by a family court, criminal court, or Supreme Court to limit the behavior of someone who harms or threatens to harm another person. An order of protection may direct a person who causes harm not to injure, threaten or harass a survivor, their family, or any other person(s) listed in the order. It may include, but is not limited to, directing a person who causes harm to stay away from a survivor and a survivor's children, vacate a shared home, follow custody orders, pay child support, or not have a firearm.

Workplace-related incidents: Workplace-related incidents of domestic and gender-based violence are acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety or well-being of any person associated with an employee, regardless of whether the act occurred in or outside a physical workplace. An employee is considered to be in the workplace while in, or utilizing the resources of a city agency, including but not limited to facilities, work sites, equipment, vehicles, or while on work-related travel.

Non-workplace incidents: Non-workplace incidents of domestic and gender-based violence include acts, attempted acts, or threatened acts by or against any employees, the family members of employees, other individuals whose close association with the employee is the equivalent of a family relationship, and/or their property that occur anywhere outside a company's physical workplace, and/or while an employee is not engaged with or traveling for the employer.

Workplace Safety Plan: A strategy developed collaboratively by an employer and an employee survivor, and any related victim service provider(s), to implement workplace safety measures that also consistently center survivor autonomy, including but not limited to: handling orders of protection; creating procedures for alerting security personnel of threats or incidents; seeking reasonable accommodations which may include temporary or permanent adjustments to work schedules, locations, or contact information; and requesting escorts to and from workplace facilities

Property Damage - Intentional damage to property and includes property owned by employees, visitors or vendors.

ANNUAL RISK EVALUATION / WORKPLACE EXAMINATION

The Town must conduct initial and subsequent annual risk evaluations of each Town facility. Risk factors identified during this evaluation shall be documented on the attached *Annual Summary of Risks and Mitigation Efforts Form*. A list of all risk factors identified shall be maintained. The annual risk evaluation shall include the following:

Annual Examination of Records – Once each year, the Town designated contact person must examine any records relevant or related to any workplace violence incident. This will be documented on the attached *Annual Administrative Controls Evaluation Form*. This review is intended to identify any patterns in the locations, types and causes of incidents and injuries. Examples of records to examine can include:

- Injury and Illness Incident Reports
- Log and Summary of Work-Related Injuries and Illnesses (Form SH900 & SH900.1) • Workers' Compensation Reports
- Workplace Violence Incident Reports
- Personnel Disciplinary Reports

Administrative Risk Factors – Once each year, the Town designated contact person must assess any relevant policies, work practices and work procedures that may impact the risk of workplace violence. This will be documented on the attached *Annual Administrative Controls Evaluation Form*. Examples of items to assess include:

- Non-Harassment, Discrimination and Retaliation Policy
- General Town Safety Rules, Policies and Procedures
- Work practices requiring work in public settings, including exchanging money with the public, working alone or in small numbers, and working with potentially violent people

Evaluation of Physical Environment – Once each year, Town Department Heads, along with the participation of authorized employee representatives, will evaluate all Town workplaces to determine the presence of factors which may place employees at risk of workplace violence. This will be documented on the attached *Physical Environment Examination Form*. Factors that have potential to place employees at risk can include the following:

- Working late night or early morning hours
- Exchanging money
- Working alone or in small numbers
- Working in a location with uncontrolled public access to the workplace • Areas that have experienced previous security problems or violence

METHODS TO PREVENT WORKPLACE VIOLENCE

Based upon the findings of the workplace evaluations the Town will identify, document and implement methods to prevent workplace violence. The methods and actions taken to prevent workplace violence shall be documented on the attached *Annual Summary of Risks and Mitigation Efforts Form*. Examples of such methods may include the following:

- Following the Town's workplace violence prevention program
- Enforcing existing workplace rules
- Providing annual training to increase employee awareness of the signs and/or effects of workplace violence and the importance of reporting workplace violence
- Modifications to a facility's lighting, alarm systems and access

In situations where the hazard cannot be completely eliminated, the Town must use control measures to reduce the risk to employees. When implementing methods to prevent workplace violence the following hierarchy of controls shall be followed:

- **Engineering Controls** – Reduce the hazard through a design change. An example of an engineering control would be the installation of a physical barrier to protect employees from a member of the public (windows, deep counters, etc.). Engineering controls are not always feasible. If engineering controls are not feasible, the employer must then consider other work practice controls.
- **Substitution** – Reduce the hazard by substituting one process or activity with another that has less exposure to potential workplace violence. An example could be to relocate a Town service provided at one location (that presents a risk for workplace violence) to another more secure location.
- **Work Practice / Administrative Controls** - Work Practice Controls reduce the hazard by changing organizational policies and procedures. An example of a work practice control would be requiring check-in procedures and/or itineraries to account for employees who work alone and are not under the direct supervision of management. Training is also considered to be an administrative type of control.
- **Personal Protective Equipment** - While not typically relevant to many workplace situations, such equipment can include ballistic body armor for law enforcement personnel

REPORTING SYSTEM AND RESPONSIBILITIES

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, visitors and strangers. Employees shall report in writing all workplace violence incidents, including acts of violence, threats of violence, and any other violation of this policy. Employees shall submit the attached *Workplace Violence Incident Report Form* as soon as practicable to their Department Head (or directly to the designated contact person if the incident involves the Department Head). The Department Head will then submit the form to the designated contact person.

If the case is a privacy concern case, the name of the employee who was the victim of the workplace violence should be removed from the Workplace Violence Incident Report or other documentation and replaced with "PRIVACY CONCERN CASE" in the space normally used for the employee's name.

Privacy concern cases include cases involving:

- Injury or illness to an intimate body part or the reproductive system • Injury or illness resulting from a sexual assault
- Mental illness
- HIV infection
- Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material
- Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

All reports of violence will be handled in a confidential manner as much as possible, with information released only on a need-to-know basis. Management shall be sensitive and responsive to the reporting employees' fear of reprisal.

TRAINING

All employees will participate in the annual Workplace Violence Prevention Training Program. All newly hired employees will be trained on this program as part of their new employee orientation.

The training shall review this program and shall cover the following:

- The requirements of the workplace violence regulations and the risk factors that were identified in the risk evaluation and determination
- Measures that employees can take to protect themselves from the identified risks including specific procedures that the Town has implemented to protect employees, such as incident alert and notification procedures, appropriate work practices, emergency procedures and the use of security alarms and other devices
- The location of the written workplace violence prevention program and how to obtain a copy
 - Examples of prohibited actions
 - How to report workplace violence

PROHIBITED ACTIONS AND SANCTIONS

It is a violation of this program to:

- Engage in workplace violence as defined above
- Engage in intimidation, threats, physical attacks, domestic violence, or property damage in violation of this policy
- Possess, use, or threaten to use a weapon or firearm (Note: Law enforcement officers are governed by policies and procedures of the Town Police Department regarding the possession and use of authorized weapons. Court Officers are governed by the Court regarding the possession and use of authorized weapons.)
- Misuse of authority vested to any employee of the Town in such a way that violates this policy

A violation of this policy shall be considered unacceptable conduct and subject the violator to disciplinary action, up to and including termination. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including termination, if it is determined by the Town that there exists a rational nexus between the type of violent conduct committed and the potential adverse impact on an employee's ability to perform the assigned duties and responsibilities.

SUPPORT

The Town shall make efforts to support and protect victims of workplace violence by offering available security measures and / or reviewing security measures with victims. Victims may request adjustments to their work schedule, location, or working conditions in order to enhance their safety. The Town will review such requests as appropriate. The Town shall work closely with victims to ensure that both the needs of the victims and the Town are addressed.

RETALIATION

The Town shall take no retaliatory action against any employee because the employee exercises any right accorded him or her by the New York State Workplace Violence Prevention Regulation. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy.

CONFIDENTIALITY

Although confidentiality cannot be guaranteed, every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

CONFIDENTIAL INFORMATION

This program does not require the disclosure of information that is otherwise kept confidential for security reasons. This may include information which, if disclosed:

- Would interfere with law enforcement investigations or judicial proceedings • Would deprive a person of a right to a fair or impartial adjudication
- Would identify a confidential source or disclose confidential information relating to a criminal investigation
- Would reveal criminal investigative techniques or procedures, except for routine techniques and procedures
- Would endanger the life or safety of any person

AUTHORIZED EMPLOYEE REPRESENTATIVES

The authorized employee representatives will, at a minimum, be involved in the following:

- Evaluating the physical environment
- Developing the Workplace Violence Prevention Program
- Reviewing workplace violence incidents at least annually to identify trends in the types of incidents reported
 - Reviewing the effectiveness of the mitigating actions taken

ANNUAL PROGRAM REVIEW

The Town shall review and update this program as necessary on at least an annual basis. Such review and update shall set forth any mitigating steps taken in response to any incident of workplace violence.

EMPLOYEE COMPLAINTS TO THE COMMISSIONER OF LABOR

Employees should be aware that complaint procedures under the workplace violence regulation are different than those under the Public Employee Safety and Health (PESH) Act. Any employee, or his/ her authorized employee representative, who believes that a violation of the employer's workplace violence prevention program exists, or that workplace violence imminent danger exists, shall report such matter in accordance with the *Reporting System and Responsibilities* section of this program. The employer shall be afforded a reasonable opportunity to correct such activity, policy, or practice.

Written notice to an employer is not required where workplace violence imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting the matter would not result in corrective action.

If, after notifying the employer and giving the employer a reasonable opportunity to correct the situation, the employee or the authorized employee representative still believes that a serious violation of a workplace violence prevention program remains or that imminent danger exists, such employee may request an inspection by notifying the Commissioner of Labor at the New York State Department of Labor. Such notice and request shall be in writing, shall set forth with reasonable particularity the ground(s) for the notice and shall be signed by such employee or their authorized employee representative.

RESOLUTION 83-2026

FIRE PROTECTION PUBLIC HEARING

On a motion of Councilmember Forster seconded by Councilmember Barber the following resolution was

ADOPTED Ayes 5 Forster, Barber, Westfall, Jones, Rugg
 Naves 0

Resolved to schedule a public hearing for the 2027 Fire Protection Contract on November 10, 2026, at 6:30pm

CEO REPORT

- 28 Phone Calls
- 11 Inspections
- 2 Violation Notices Sent
- 6 Permits
 - 7927 East Otto, Otto Road-Single Family Residence
 - 9005 East Otto, Otto Road-Deck
 - 8934 Reed Hill-Residential Solar
 - 9493 Monk Hill-Pole Barn
 - 6995 Mill Valley-Pole Building
 - 8636 Crumb Hill-Pole Building
- Issued 2 Addresses
- 1 Campground Permit-Allegheny Mountain
- Attended 24 Hours in service code training
- Attended Planning Board Meeting
- Deposited to Clerk \$869.00

PUBLIC COMMENT: Sharon Huff spoke regarding the planning board activities:

- Battery Storage
- Data Centers/Crypto Mining

With no further business, on a motion from Councilmember Barber, seconded by Councilmember Jones the meeting was adjourned at 7:16 PM.

Carried unanimously.

The next meeting will be held on October 27, 2026, at 6:00pm.

Respectfully Submitted

Deanna Bowen/Town Clerk