

# Office of the County Attorney



## FINANCE, LEGAL & SAFETY COMMITTEE

April 9, 2024

10:30 a.m.

- APPROVAL OF MINUTES: March 12, 2024
  
- FINANCIAL
  - Safety
  - Law
  
- OLD BUSINESS
  - Litigation
  - Annual Training and Financial Disclosures for Schedule A Employees and Boards
  
- NEW BUSINESS
  - Accessible Parking Education
  - Fair Housing
  
- PERSONNEL
  - 1<sup>st</sup> Assistant County Attorney retiring as of April 30
  - Safety Officer vacation April 26 to May 6
  
- RESOLUTIONS
  - REQUEST AND TRANSFER RESERVE FUNDS AND AMEND 2024 BUDGET
  - AMEND RESOLUTION NO. 193-18 AS AMENDED BY RESOLUTION NO. 45-23; AS AMENDED BY RESOLUTION NO. 255-23 AS AMENDED BY RESOLUTION NO. 296-23; AS AMENDED BY RESOLUTION NO. 366-23
  - ADOPTION OF TIOGA COUNTY TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN, LIMITED ENGLISH PROFICIENCY PLAN, DATA COLLECTION PLAN, ADA TRANSITION PLAN AND EMPLOYEE TRAINING PLAN
  - AMEND EMPLOYEE HANDBOOK: SECTION IV. PERSONNEL RULES, SUBSECTION K. ENTITLED EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ADA/PWFA POLICY
  
- PROCLAMATIONS
  - Fair Housing Month

- EXECUTIVE SESSION
- ADJOURNMENT

# Office of the County Attorney

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

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



## FINANCE, LEGAL & SAFETY COMMITTEE

March 12, 2024

10:30 a.m.

### ATTENDANCE:

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

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Safety Officer Holbrook, Personnel Officer Parke, Chief Accountant Douglas, Accountant Schurter, Public Defender Cline

### • APPROVAL OF MINUTES:

- Legislator Ciotoli asked for a motion to approve the February 13, 2024 minutes. Legislator Mullen made the motion, seconded by Legislator Monell and was unanimously carried.

### • FINANCIAL:

- Legal and Safety's budgets are tracking well. Safety has recently used funds to ensure first aid kits are up to date and stocked correctly. Due to new and ongoing litigation there might be the need to transfer of funds into Legal Fees line to pay for outside counsel.
- Legislator Ciotoli stated departments should be taking advantage of the contract the County has with Roemer, Wallens, Gold & Mineaux for legal advice.

### • OLD BUSINESS:

- Litigation: An older case has been dismissed in the County's favor due to a lack of special duty owed to the plaintiff. Specifics discussion of strategy, settlement options and liabilities for new and ongoing litigation will be discussed in executive session.
- Policy reviews and attestations are due March 31, 2024 for all County employees and board members and financial disclosures for Schedule A employees and board members are due May 15, 2024. If Schedule A employees or board members need more time to complete their attestations and/or financial disclosures, they can request an extension.

- Tioga Tobacco Asset Securitization Corporation (TTASC) annual meeting is scheduled for June 5, 2024. There will be some changeover in board members this year. At a recent Adolescent Tobacco Use Prevention Act (ATUPA) hearing the business issued the violation attempted to make the argument that the County has a financial stake in their hearing to pay back the bond members.
- New Visions Program: Mr. DeWind stated Legal's New Vision's intern worked out well and was able to spend time with the Assistant County Attorney, Public Defender, and District Attorney's Office. Mr. DeWind has been asked, by the New Visions Program, if he would be willing to continue mentoring students through this program.
- **NEW BUSINESS:**
  - Ethics Board: The Ethics Board has two board members' terms expiring however, Mr. Davis and Mr. Balliet Jr. would like to be re-appointed for an additional term. The annual meeting will be scheduled for mid-June 2024.
  - Panic Buttons: Issues have been identified and are being addressed. There was an accidental trigger at the Ronald E. Dougherty County Office Building located at 56 Main Street which identified the buttons do not signal the room where the button was pushed. Safety Officer Holbrook is working with Information Technology and Communication Services (ITCS) to address this issue.
  - Drug Testing: The first quarter drug testing is scheduled with Evolution. Ms. Holbrook has received positive feedback from the Town of Owego that pre-employment testing with Evolution is going very well.
  - Safety: Baby changing stations have been installed at the Ronald E. Dougherty County Office Building and Sheriff's Office. Ms. Holbrook has audited the License Event Notification System (LENS) and has made corrections to the database. Ms. Holbrook stressed the need for prompt notification of employees leaving employment to ensure Ms. Holbrook is not monitoring non-County employees. An Accessible Parking Program ad was published collaboratively with Public Health on Public Health's Facebook page saving the Program the cost of placing an ad in local newspapers as this fund is not being replenished. Ms. Holbrook will be dispersing accessible parking educational brochures throughout the community in the coming months.

- Public Defender's Report: Public Defender Cline stated his office currently has three open homicides and numerous assaults and burglaries. This has necessitated the need for more data storage to process and view body camera footage that the District Attorney's Office provides. Mr. Cline has been working with ITCS to improve data storage. The Public Defender's Office is able to appear at all hearings due to the Hurrell Haring grant. However, caseloads are at the upper edge but within limits.
- PERSONNEL:
  - N/A
- RESOLUTIONS:
  - MODIFY 2024 BUDGET AND TRANSFER FUNDS ILS GRANT; AMEND EMPLOYEE HANDBOOK: ABOLISH SECTION IX. SAFETY RULES, SUBSECTION A. ENTITLED CONTAGIOUS DISEASES IN ITS ENTIRETY; RE-APPOINT MEMBER TO BOARD OF ETHICS (Davis); RE-APPOINT MEMBER TO BOARD OF ETHICS (Balliet Jr.); EXECUTE LEASE OF PROPERTY LOCATED AT 32 ITHACA STREET, WAVERLY, NEW YORK TO HOUSE MENTAL HYGIENE'S WAVERLY OFFICE; EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT SOUTH APALACHIN ROAD, APALACHIN, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT 110 C BABCOCK ROAD, NICHOLS, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT 54 DODGE ROAD, SPENCER, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT 246 DAVIS ROAD, TOWN OF RICHFORD, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS BETWEEN THE LAW DEPARTMENT, ITCS, SHERIFF, DSS, PUBLIC HEALTH, AND MENTAL HYGIENE were moved into full Legislative Session without further questions.
- PROCLAMATIONS
  - None

- EXECUTIVE SESSION
  - Mr. DeWind requested to enter into executive session to discuss litigation matters at 11:04 AM. Legislator Mullen made the motion, seconded by Legislator Monell and was unanimously carried. Legislator Brown made the motion to exit executive session and was seconded by Legislator Mullen at 11:18 AM.
  
- ADJOURNMENT:
  - Legislator Ciotoli adjourned the Legal & Safety Committee at 11:19 A.M.

Respectfully submitted,

*Christine Freyvogel*

Secretary to the County Attorney



# TIOGA COUNTY, NEW YORK

## Tioga County 2024 SAFETY BUDGET REPORT

FOR 2024 05

	ORIGINAL APPROP	TRANFRS/ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
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### CI Liability Insurance Fund

#### CI8042 504 Coordinator/Safety

CI8042 424010 Interest And Earn	0	0	0	-127.40	.00	127.40	100.0%
CI8042 510010 Fulltime	58,520	0	58,520	13,401.60	.00	45,118.40	22.9%
CI8042 540140 Contracting servi	164,500	-160,000	4,500	900.00	900.00	2,700.00	40.0%
CI8042 540140 M7674 Contracting	0	160,000	160,000	31,482.75	117,662.37	10,854.88	93.2%
CI8042 540340 Literature	250	0	250	.00	.00	250.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	468.55	.00	1,531.45	23.4%
CI8042 540420 Office Supplies	400	0	400	49.10	.00	350.90	12.3%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	348.53	.00	251.47	58.1%
CI8042 540733 Training/All Othe	3,500	0	3,500	60.00	.00	3,440.00	1.7%
CI8042 581088 State Retirement	0	4,687	4,687	1,915.06	.00	2,772.13	40.9%
CI8042 583088 Social Security F	0	2,747	2,747	1,102.13	.00	1,644.97	40.1%
CI8042 584088 Workers Compensat	0	878	878	321.72	.00	556.77	36.6%
CI8042 585588 Disability Insura	0	46	46	18.27	.00	28.20	39.3%
CI8042 586088 Health Insurance	0	18,369	18,369	7,574.35	.00	10,794.32	41.2%
CI8042 588988 Eap Fringe	0	12	12	4.27	.00	7.28	37.0%
<b>TOTAL 504 Coordinator/Safety</b>	<b>229,845</b>	<b>26,739</b>	<b>256,584</b>	<b>57,518.93</b>	<b>118,562.37</b>	<b>80,503.17</b>	<b>68.6%</b>
<b>TOTAL Liability Insurance Fund</b>	<b>229,845</b>	<b>26,739</b>	<b>256,584</b>	<b>57,518.93</b>	<b>118,562.37</b>	<b>80,503.17</b>	<b>68.6%</b>
TOTAL REVENUES	0	0	0	-127.40	.00	127.40	
TOTAL EXPENSES	229,845	26,739	256,584	57,646.33	118,562.37	80,375.77	
<b>GRAND TOTAL</b>	<b>229,845</b>	<b>26,739</b>	<b>256,584</b>	<b>57,518.93</b>	<b>118,562.37</b>	<b>80,503.17</b>	<b>68.6%</b>

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



# TIOGA COUNTY, NEW YORK

## Tioga County 2024 LEGAL BUDGET REPORT

FOR 2024 05

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>A General Fund</b>							
<b>A1420 Law</b>							
A1420 412706 Shared Services-At	-50,079	0	-50,079	.00	.00	-50,079.00	.0%
A1420 510010 Full Time	223,698	0	223,698	51,228.62	.00	172,469.38	22.9%
A1420 510020 Part Time/Temporar	40,233	0	40,233	9,213.66	.00	31,019.34	22.9%
A1420 520200 Office Equipment	450	0	450	.00	.00	450.00	.0%
A1420 540010 Advertising	635	0	635	.00	.00	635.00	.0%
A1420 540040 Books	1,500	0	1,500	26.50	.00	1,473.50	1.8%
A1420 540180 Dues	2,400	0	2,400	862.00	.00	1,538.00	35.9%
A1420 540330 Legal Fees	65,000	0	65,000	11,372.40	31,050.00	22,577.60	65.3%
A1420 540331 Legal Fees-Adolesc	2,000	0	2,000	.00	.00	2,000.00	.0%
A1420 540390 Mileage Expense	300	0	300	.00	.00	300.00	.0%
A1420 540420 Office Supplies	825	0	825	8.95	.00	816.05	1.1%
A1420 540480 Postage	150	0	150	.00	.00	150.00	.0%
A1420 540485 Printing/Paper	400	0	400	.00	.00	400.00	.0%
A1420 540731 Training/State Req	1,000	0	1,000	425.00	.00	575.00	42.5%
A1420 581088 State Retirement F	13,971	3,815	17,786	7,324.66	.00	10,461.26	41.2%
A1420 583088 Social Security Fr	0	15,479	15,479	4,952.24	.00	10,526.48	32.0%
A1420 584088 workers Compensati	0	4,385	4,385	1,286.88	.00	3,098.26	29.3%
A1420 585588 Disability Insuran	0	178	178	54.81	.00	123.38	30.8%
A1420 586088 Health Insurance F	76,972	409	77,381	25,542.58	.00	51,838.63	33.0%
A1420 588988 Eap Fringe	0	58	58	17.08	.00	40.59	29.6%
<b>TOTAL Law</b>	<b>379,455</b>	<b>24,323</b>	<b>403,779</b>	<b>112,315.38</b>	<b>31,050.00</b>	<b>260,413.47</b>	<b>35.5%</b>
<b>TOTAL General Fund</b>	<b>379,455</b>	<b>24,323</b>	<b>403,779</b>	<b>112,315.38</b>	<b>31,050.00</b>	<b>260,413.47</b>	<b>35.5%</b>
<b>TOTAL REVENUES</b>	<b>-50,079</b>	<b>0</b>	<b>-50,079</b>	<b>.00</b>	<b>.00</b>	<b>-50,079.00</b>	
<b>TOTAL EXPENSES</b>	<b>429,534</b>	<b>24,323</b>	<b>453,858</b>	<b>112,315.38</b>	<b>31,050.00</b>	<b>310,492.47</b>	
<b>GRAND TOTAL</b>	<b>379,455</b>	<b>24,323</b>	<b>403,779</b>	<b>112,315.38</b>	<b>31,050.00</b>	<b>260,413.47</b>	<b>35.5%</b>

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REFERRED TO:

FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24

REQUEST AND TRANSFER RESERVE FUNDS AND  
AMEND 2024 BUDGET

WHEREAS: Chapter 497 of the New York State Law of 1999 requires every county to establish a separate handicapped parking and education program with the purpose of providing education to increase the awareness of handicapped parking laws; and

WHEREAS: Implementation of this plan is dependent upon revenue generated from a mandatory thirty-dollar (\$30.00) handicapped parking fine surcharge which the New York State Law of 1999 requires will be used for activities such as public service announcements, public education and awareness campaigns, distribution of literature and other activities with such purpose; and

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

WHEREAS: The Safety Officer would like to purchase fifteen (15) acrylic brochure holders for the purpose of distributing printed materials to provide awareness of handicapped parking laws; and

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

RESOLVED: That funding be transferred and appropriated as follows:

From: A3889.04      Reserve for Handicapped Parking Education      \$34.99

To:      A2989.540010 Advertising      \$34.99

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

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

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

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

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

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

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

THE TIOGA COUNTY LEGISLATURE, County of Tioga does hereby proclaim the month of April 2024 as

**FAIR HOUSING MONTH**

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

Dated: April 9, 2024

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MARTHA SAUERBREY, CHAIR  
TIOGA COUNTY LEGISLATURE

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION  
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24 AMEND RESOLUTION NO. 193-18 AS AMENDED BY RESOLUTION NO. 45-23; AS AMENDED BY RESOLUTION NO. 255-23 AS AMENDED BY RESOLUTION NO. 296-23; AS AMENDED BY RESOLUTION NO. 366-23 ADOPTION OF TIOGA COUNTY TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN, LIMITED ENGLISH PROFICIENCY PLAN, DATA COLLECTION PLAN, ADA TRANSITION PLAN AND EMPLOYEE TRAINING PLAN

WHEREAS: The Tioga County Legislature adopted the Tioga County Title VI Plan, Environmental Justice Plan, Limited English Proficiency Plan, Data Collection Plan, ADA Transition Plan, and Employee Training Plan by way of Resolution No. 193-18 on August 17, 2018, and amended the Plan by way of Resolution No. 45-23 on January 10, 2023, and Resolution No. 255-23 on June 13, 2023, and Resolution No. 296-23 on July 11 2023, and Resolution No. 366-23 on September 12, 2023; and

WHEREAS: The County's Equal Employment Opportunity/Affirmative Action/ADA Policy in the Employee Handbook is incorporated in the adopted Tioga County Title VI Plan; and

WHEREAS: The Equal Opportunity Commission adopted the Pregnant Workers Fairness Act requiring state and local governments with more than fifteen (15) employees to make "reasonable accommodations" to an employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship"; and

WHEREAS: The Equal Employment Opportunity/Affirmative Action/ADA Policy warrants revisions in several areas; therefore be it

RESOLVED: That this resolution shall amend Resolution No. 193-18, as amended by Resolution No. 45-23, as amended by Resolution No. 255-23, as amended by Resolution 296-23, as amended by Resolution No. 366-23 with the following revisions to the Tioga County Title VI Plan to read as follows:

- PWFA added to the title of the EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION/ADA POLICY
- Addition of Section VI. Americans with Disabilities Act, as Amended and New York State Human Rights Law
- Addition of Section VII. Pregnant Workers Fairness Act
- Addition of Section VIII. Forms

## **VI. Americans with Disabilities Act, as Amended and New York State Human Rights Law**

The Americans with Disabilities Act, as Amended (the "ADA") and the New York State Human Rights Law (the "NYSHRL") prohibits discrimination against individuals with disabilities. Tioga County is committed to providing reasonable accommodations in accordance with these laws. All requests for reasonable accommodations shall be made through the Personnel Officer on approved forms.

## **VII. Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act (the "PWFA") requires employers, including state and local governments with fifteen (15) or more employees to make reasonable accommodations to a qualified employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. All requests for reasonable accommodations shall be made through the Personnel Officer on approved forms.

## **VIII. Forms**

The following forms located on the County's Intranet "Employee Handbook-EH Forms" are to be used to request reasonable accommodations.

- ADA Medical Certification Form
- HIPAA Form

And be it further

RESOLVED: That the remainder of the Tioga County Title VI Plan remains unchanged.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -24 AMEND EMPLOYEE HANDBOOK:  
SECTION IV. PERSONNEL RULES, SUBSECTION K.  
ENTITLED EQUAL EMPLOYMENT  
OPPORTUNITY/AFFIRMATIVE ACTION/ADA/PWFA  
POLICY

WHEREAS: The Equal Opportunity Commission adopted the Pregnant Workers Fairness Act (PWFA) requiring state and local governments with more than fifteen (15) employees to make "reasonable accommodations" to an employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship"; and

WHEREAS: The Personnel Officer in conjunction with the County Attorney has reviewed the Employee Handbook for compliance with the County's Title VI Plan and has identified the need to amend Section IV. Personnel Rules, Subsection k. Equal Opportunity/Affirmative Action/ADA Policy with revision of the policy title to include PWFA and addition of Sections VI., VII., and VIII. due to the newly adopted PWFA; therefore be it

RESOLVED: That the EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ADA Policy is retitled and is hereby amended to read as follows:  
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ADA/PWFA POLICY

And be it further

RESOLVED: That this policy is hereby amended with the addition of Section VI. Americans with Disabilities Act, as Amended and New York State Human Rights Law, Section VII. Pregnant Workers Fair Act, and Section VIII. Forms to read as follows:

**VI. Americans with Disabilities Act, as Amended and New York State Human Rights Law**

The Americans with Disabilities Act, as Amended (the "ADA") and the New York State Human Rights Law (the "NYSHRL") prohibits discrimination against individuals with disabilities. Tioga County is committed to providing reasonable accommodations in accordance with these laws. All requests for reasonable accommodations shall be made through the Personnel Officer on approved forms.

## **VII. Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act (the "PWFA") requires employers, including state and local governments with fifteen (15) or more employees to make reasonable accommodations to a qualified employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. All requests for reasonable accommodations shall be made through the Personnel Officer on approved forms.

## **VIII. Forms**

The following forms located on the County's Intranet "Employee Handbook-EH Forms" are to be used to request reasonable accommodations.

- ADA Medical Certification Form
- HIPAA Form

And be it further

RESOLVED: That the remainder of Section VI. Personnel Rules, Subsection k. Equal Employment Opportunity/Affirmative Action/ADA/PWFA Policy remains unchanged.

## **K. EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION / ADA / PWFA POLICY** **(FORMERLY POLICY #48)**

### TIOGA COUNTY EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ADA/PWFA POLICY

- I. Policy Statement
- II. Policy Objective
- III. Implementation Responsibilities
- IV. Discrimination Complaint Procedure
- V. Accessibility Complaint Procedure
- VI. Americans with Disabilities Act, as Amended and New York State Human Rights Law
- VII. Pregnant Workers Fairness Act
- VIII. Forms

#### **I. Policy Statement**

The County of Tioga provides equal opportunity to all individuals in its personnel and employment practices. The County prohibits discrimination on the basis/because of race, color, religion, age (18 and up), national origin, citizenship status, ethnicity, marital status, familial status, creed, gender, sexual

orientation, disability, pregnancy or any other basis prohibited by law. Furthermore, services provided by Tioga County shall be accessible to all eligible County residents without discrimination.

This policy of equal employment opportunity/affirmative action:

- Applies equally to all job classifications and titles in the County and to all types of appointments under County jurisdiction, whether full-time, part-time, temporary or other.
- Governs all County employment policies, practices, and actions including, but not necessarily limited to: recruitment, employment, rate of pay or other compensation, advancement, reallocation, promotion, demotion, termination, leaves of absence, training and employee benefits of whatever nature.
- Applies equally to all County departments.
- Applies to all County facilities and programs.

It is the policy of Tioga County to comply with all Federal, State, and local anti-discrimination laws.

## **II. Policy Objective**

To preclude discriminatory practices in all phases of employment on Tioga County government, including all terms, benefits and conditions thereof, the County is committed to nondiscriminatory and appropriate recruitment, selection, appointment, placement, classification, compensation, training, promotion, upward mobility, termination, resignation, and retirement.

To preclude discriminatory practices in all phases of program administration to the Tioga County community.

The County will take measures to develop and implement an effective system to communicate the County's Equal Employment Opportunity to employees, job applicants and residents.

To provide a procedure for addressing and resolving complaints of discriminatory conduct and harassment.

## **III. Implementation Responsibilities**

**A. Personnel Officer:** The Personnel Officer shall have the ultimate authority and responsibility for ensuring that the objectives of the County EEO/Affirmative Action/ADA/PWFA policy are met with regard to employment practices, and for enforcing Federal and State equal employment opportunity and anti-discrimination laws within County government. Specific responsibilities include, but are not limited to:

- Effectuating corrective action, to the extent permissible under Federal, State, and County laws, collective bargaining agreements, and as otherwise deemed necessary to implement the objectives of this policy and the fact-finding determinations resulting from any investigation.
- Reviewing and approving all goals and objectives of the EEO/Affirmative Action/ADA/PWFA Policy.
  1. Providing administrative oversight for development and implementation of the EEO/Affirmative Action/ADA/PWFA Policy.
  2. Monitoring personnel procedures and policies that relate to recruitment, classification, compensation, training, resignation, retirement, and other terms, conditions, and benefits of employment.
  3. Ensuring distribution of the EEO/Affirmative Action/ADA/PWFA Policy to all new hires through the New Employee Orientation process.
  4. Consulting with the County Attorney and outside counsel, as needed, on the overall policy, plan, and program administration.

**B. Commissioners/Department Heads/Appointing Authorities ("Department Heads"):** Department Heads are generally responsible for ensuring that the County's EEO/Affirmative Action/ADA/PWFA Policy is fully implemented within their departments. Specific responsibilities include, but are not limited to:

- Disseminating the EEO/Affirmative Action/ADA/PWFA Policy to their employees on an on-going basis.
- Ensuring the implementation of any actions as determined or requested by the Personnel Officer, with regard to attaining the goals of the EEO/Affirmative Action/ADA/PWFA Policy within their department, including corrective actions.

**C. County Attorney:** The County Attorney shall be the recipient of all complaints filed under this policy and shall arrange for necessary investigations, in consultation with the County Legislative Chair.

**D. ADA Coordinator(s):** The ADA Coordinator(s) is responsible for investigation of all issues of accessibility to County buildings and shall forward recommendations on issues/problems requiring legislative action through the County Attorney to the Legal, Finance and Safety Committee.

#### **IV. Employment Discrimination Complaint Procedure**



Tioga County has a zero-tolerance policy against discrimination. Employees are expected to report incidents of discrimination, whether affecting them or anyone else, as soon as possible after its occurrence.

Complaints may be filed with a supervisor, Department Head, Personnel Officer, or County Attorney. It is the employee's choice as to where to file. The incumbents of all of the above listed positions eligible to receive such complaints are obliged to promptly document the complaint and forward it to the County Attorney & Personnel Officer in order to initiate an investigation. In the event such complaint shall involve the County Law Department, then any investigation shall be coordinated by the Personnel Officer. In the event such complaint shall involve the Personnel Department, then any investigation shall be coordinated by the County Attorney.

Any complaint of discrimination from an employee or applicant for employment shall be handled in the same manner as outlined in the Title VI Plan: Title VI Complaint Procedures. The Tioga County Title VI Complaint Form can be found on the County's website under County Attorney-Compliance Reporting Forms or by using the link below:

<https://www.tiogacountyny.gov/media/t5foh1yh/civil-rights-complaint-form.pdf>.

In addition, complaints may be filed with the New York State Division of Human Rights regional office located at: 44 Hawley Street, Room 603, Binghamton, New York 13901 or emailed to [complaints@dhr.ny.gov](mailto:complaints@dhr.ny.gov).

#### **V. Accessibility Complaint Procedure**

Tioga County will make every effort to ensure all facilities meet Federal guidelines for accessibility. Employees are expected to report problems in this regard, whether affecting the public or themselves promptly.

Complaints may be filed with a Supervisor, Department Head, County Attorney or Personnel Officer. The incumbents of all the above listed positions are eligible to receive such complaints and are obliged to document the complaint and forward it to the ADA Coordinator(s) to allow for investigation and coordination of avenues to correct or mitigate identified issues.

#### **VI. Americans with Disabilities Act, as Amended and New York State Human Rights Law**

The Americans with Disabilities Act, as Amended (the "ADA") and the New York State Human Rights Law (the "NYSHRL") prohibit discrimination against individuals with disabilities. Tioga County is committed to providing reasonable accommodations in accordance with these laws. All requests for reasonable

accommodations shall be made through the Personnel Officer on approved forms.

### **VII. Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act (the "PWFA") requires employers, including state and local governments with 15 or more employees to make reasonable accommodations to a qualified employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. All requests for reasonable accommodations shall be made through the Personnel Officer on approved forms.

### **VIII. Forms**

The following forms located on the County's Intranet "Employee Handbook-EH Forms" are to be used to request reasonable accommodations.

- ADA Medical Certification Form
- HIPAA Form

# UNLESS YOU REPORT HOUSING DISCRIMINATION, IT WON'T STOP.



**Discrimination isn't always this obvious. But it is just as hurtful and illegal. Here are possible signs you might hear from a landlord:**

"There's a lot of traffic. It isn't safe for kids."

"The apartment I told you about on the phone has already been rented."

"My insurance won't cover a ramp if you get hurt."

"We only take English speaking people."

"The ad is wrong. The rent is really \$75 higher per month."

"Steps are what we have. We can't accommodate a walker."

**IF YOU SUSPECT HOUSING DISCRIMINATION, PLEASE REPORT IT.**

Visit [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing) or call the HUD Hotline

**1-800-669-9777** (voice) **1-800-927-9275** (TTY)



For assistance in filing a Fair Housing complaint please contact the Tioga County Fair Housing Officer at 607-687-8270



A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, family status or disability. For more information, visit [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing).

**NFHA**  
National Fair Housing Alliance





# PREGNANT WORKERS FAIRNESS ACT (PWFA)

## WHAT IS PWFA?

The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June 27, 2023, requires covered employers to provide “reasonable accommodations” to a qualified worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.” An undue hardship is defined as causing significant difficulty or expense.

**“Reasonable accommodations”** are changes to the work environment or the way things are usually done at work.

## WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?

- Being able to sit or drink water
- Receiving closer parking
- Having flexible hours
- Receiving appropriately sized uniforms and safety apparel
- Receiving additional break time to use the bathroom, eat, and rest
- Taking leave or time off to recover from childbirth
- Being excused from strenuous activities and/or exposure to chemicals not safe for pregnancy



## WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?

Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC))
- The ADA which prohibits employment discrimination based on disability (enforced by the EEOC)
- The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S. Department of Labor)
- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)



Learn more at [www.EEOC.gov/Pregnancy-Discrimination](http://www.EEOC.gov/Pregnancy-Discrimination).