

Steuben Area Economic Development Corporation
Regular Meeting of the Board of Directors
Agenda
February 27, 2025, 12:00 pm

1. Call to Order – Quorum present Strobel
2. Board Member’s Oath- Fitzpatrick/Strobel Steuben County Clerk
3. Secretary’s Report – January 23, 2025, minutes. Strobel
4. Treasurer’s Report – January financials Russo
5. New Business:
 - a) Ratification of EDC policies Johnson
<https://saedc.com/>
 - b) Appointment of Ethics Officer (Alger)
 - c) Appointment of CFO (Johnson)
 - d) Appointment of Records, Access Officer (Hortman)
 - e) Appointment of Contracting Officer (Johnson)
6. Adjournment Strobel

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : _____ INTRO. NO. : 15
PERM. NO. : _____ INTRO. DATE: 01/27/2025

INTRO. BY : K. Fitzpatrick SECONDED BY : _____

VOTE:

ROLL CALL	_____ YES	_____ AMENDED	_____ LOST
ADOPTED	_____ NO	_____ Tabled	_____ W/DRWN
ACCLAMATION	_____ ABSTN'D	_____ POSTPONED	_____
	_____ ABSENT	_____ REF'D/COM	_____

COMMITTEES:

_____ Y: _____ N: _____ Y: _____ N: _____ Y: _____ N: _____

TITLE: APPOINTING MEMBERS TO THE STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, by resolution dated July 28, 2011, the Steuben County Industrial Development Agency adopted certain amendments to the Certificate of Incorporation and By-Laws of the Steuben Area Economic Development Corporation to reflect that the sole member of the Corporation shall be the County of Steuben acting by and through the Chair of the Legislature of the County; and

WHEREAS, the County desires to appoint the Board of Directors of the Steuben Area Economic Development Corporation; and

WHEREAS, the By-Laws of the Steuben County Area Economic Development Corporation authorize that the number of Directors of the Corporation shall be seven (7); and

WHEREAS, the Directors of the Corporation are appointed to serve three (3) year staggered terms, excepting one appointee who shall serve a term of one (1) year.

NOW THEREFORE, BE IT

RESOLVED, the following persons as recommended by the Steuben County Manager are hereby appointed as members of the Steuben Area Economic Development Corporation for the terms as indicated and shall hold office until reappointed or a successor is appointed, and has qualified to wit:

January 1, 2024 through December 31, 2026

Sarah Creath, Principal, BCK Partners, Inc., 27 East Market Street, Corning, NY 14830
Mike Davidson, Davidson's Furniture, 161 Main Street, Hornell, NY 14843

January 1, 2025 through December 31, 2025

Kelly H. Fitzpatrick, Chair, Steuben County Legislature, 6342 Robie Road, Savona, NY 14879

January 1, 2025 through December 31, 2027

Mark R. Alger, County Resident, 109 Rumsey Street, Bath, NY 14810
Dean Strobel, General Manager, BelGioioso Cheese, 8600 Main Street, Campbell, NY 14821

January 1, 2023 through December 31, 2025

Michelle Caulfield, Superintendent, Corning-Painted Post School District, 165 Charles St., Corning NY 14830
Anthony Russo, Southern Tier Provisions, 6683 Route 54 S, Bath, NY 14810

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben Area Economic Development Corporation; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each of the above-named appointees; James C. Johnson, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54 N, Bath, NY 14810; Chelsea Robertson, Executive Director, Southern Tier Central Regional Planning & Development Board, 8 Denison Parkway East, Suite 301, Corning, NY 14830; Counsel to the Steuben County Industrial Development Agency; and the County Auditor.

Steuben Area Economic Development Corporation
7234 Route 54N, P.O. Box 393, Bath, NY 14810
Meeting Minutes
January 23, 2025

I. Call to Order – The Regular Meeting of the Steuben Area Economic Development Corporation was called to order at 1:14 pm by Chairman Strobel, who confirmed that there was a quorum present.

Present:	Dean Strobel	Chairman
	Kelly Fitzpatrick	Vice Chair
	Mike Davidson	Secretary
	Tony Russo	Treasurer
	Michelle Caulfield	Member
	Sarah Creath	Member
	Mark Alger	Member
	James Johnson	Executive Director
	Jill Staats	Deputy Director
	Matt Bull	Director of Community and Infrastructure Development
	Russ Gaenzle	IDA Counsel- Harris Beach Murtha
	Kelly Hortman	Administrative Assistant
Guests:	Kam Keeley	Three Rivers Development

II. Secretary’s Report – Davidson presented the December 12, 2024, meeting minutes as presented in the board materials. A motion to approve the minutes was made by Alger and seconded by Creath. All voted in favor and the motion passed.

III. Treasurer’s Report – Russo reported there were no changes in the December financials.

IV. New Business:

- a) **Audit Presentation** – Kristie Beach of Kristie M. Beach CPAs, PLLC reviewed the financial audit plan and explained members’ roles in the process. Statements will be completed by the end of March.
- b) **Committee Appointments/Calendar** - Johnson advised members of their committee assignments as listed in the board packet. A tentative Board Meeting calendar was reviewed as well.
- c) **Contract with Harris Beach** – Johnson provided an overview of the state reporting process with the system known as PARIS. Reporting to PARIS must be completed by the end of March. EDC engaged with Harris Beach Murtha last year to provide these reporting services and Johnson recommended a similar engagement for this year’s report. Due to the prior relationship with Harris Beach Murtha and limited cost, this will fall within current procurement guidelines. Fitzpatrick made a motion to approve the contract with Harris Beach Murtha for PARIS reporting, and Alger seconded the motion. All voted in favor and the motion passed.

V. Adjournment – With no further business to discuss, a motion was made by Fitzpatrick to adjourn the meeting at 1:16 pm, seconded by Alger. All voted in favor and the motion passed.

Respectfully submitted,
Mike Davidson
Secretary

Statement of Financial Position by Fund with Comparison to Prior Year End
Steuben Area Economic Development Council
For 1/31/2025

Run: 2/20/2025 at 9:35 AM

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SAEDC

	This Year	Last Year	Change
Assets			
Current Assets			
20.0200.020.00 SAEDC Checking xx2455 - Five Star Bank	119,625.43	119,625.43	0.00
20.0201.020.00 SAEDC Five Star CD	104,349.15	99,367.18	4,981.97
20.0220.020.00 SAEDC Five Star CD xx3578	0.00	4,981.97	(4,981.97)
Total Current Assets	<u>223,974.58</u>	<u>223,974.58</u>	0.00
Non-Current Assets			
Fixed Assets			
Land			
Buildings			
Equipment			
Goodwill			
Depreciation			
Total Assets	<u>223,974.58</u>	<u>223,974.58</u>	<u>0.00</u>
Liabilities and Fund Balance			
Liabilities			
Current Liabilities			
Non-Current Liabilities			
Fund Equity			
NonSpendable Fund Balance			
Fund Balance			
20.0915.090.00 Fund Balance	<u>223,974.58</u>	<u>229,809.61</u>	<u>(5,835.03)</u>
Total Fund Balance	223,974.58	229,809.61	(5,835.03)
Current Year Change in Fund Balance	<u>0.00</u>	<u>(5,835.03)</u>	<u>5,835.03</u>
Total Fund Equity	<u>223,974.58</u>	<u>223,974.58</u>	0.00
Total Liabilities and Fund Balance	<u>223,974.58</u>	<u>223,974.58</u>	<u>0.00</u>

Statement of Activity - MTD and YTD by Department
Steuben Area Economic Development Council
For 1/31/2025

SAEDC

Income	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	Variance
Administrative Income				
Business Development Income				
Other Income	0.00	0.00	5,000.00	(5,000.00)
20,2791,100.00 Interest Income	0.00	0.00	5,000.00	(5,000.00)
Total Other Income	0.00	0.00	5,000.00	(5,000.00)
Total Income	0.00	0.00	12,500.00	(12,500.00)
Expenses				
Office Expenses				
Professional Services Expense	0.00	0.00	7,000.00	7,000.00
20,6210,400.00 Accounting	0.00	0.00	7,000.00	7,000.00
Total Professional Services Expenses	0.00	0.00	7,000.00	7,000.00
Salaries & Wages Expense				
Administrative Expenses	0.00	0.00	4,000.00	4,000.00
20,6630,400.00 Marketing	0.00	0.00	1,000.00	1,000.00
20,6640,400.00 Website	0.00	0.00	5,000.00	5,000.00
Total Administrative Expenses	0.00	0.00	5,000.00	5,000.00
Utility Expenses	0.00	0.00	3,600.00	3,600.00
20,6670,400.00 Program Expense	0.00	0.00	3,600.00	3,600.00
Total Utility Expenses	0.00	0.00	3,600.00	3,600.00
Travel Expenses				
Insurance Expense	0.00	0.00	700.00	700.00
20,6800,400.00 Insurance	0.00	0.00	700.00	700.00
Total Insurance Expense	0.00	0.00	700.00	700.00
Infrastructure Expense				
Other Expenses				
Total Expenses	0.00	0.00	16,300.00	16,300.00
Excess Revenue Over (Under) Expenses	0.00	0.00	(3,800.00)	3,800.00

Steuben Area EDC 2025 Policy Changes

Policy	Change
Capitalization	No change
Code of Ethics and Whistleblower Policy	No change
Compensation, Reimbursement, Attendance	No change
Defense and Indemnification	No change
EEO Policies for Personnel Handbook	No Change
Expenditure Policy Procedure	No change
Fee Schedule	No change
Financial Controls	No change
Investment Policy	No change
Labor Market Policy	No change
Management Assessment of Effectiveness of Internal Controls	No change
Premium Only Plan	No change*
Procurement Policy	No change
Project evaluation criteria	GML 874: effective December 2024: incorporate onsite daycare as evaluation criteria; also put in application questionnaire.
Project Progress Assessment and Employment Verification Policy	No change
Property Disposition Guidelines	No change
Property Acquisition Guidelines	No change
Record Retention and Disposition Schedule	Schedule M-I-1 referenced in the policy has been repealed . Only current schedule is: LGS-1 : see summary here .
Retail Projects	No change
Sexual Harassment Complaint Form	No change
Sexual Harassment Prevention Policy	See attached updated model policy
Termination of Benefits	No change
UTEP	No change

1. Other:

1. **FOIL: POL: 87-effective Sep. 4, 2024:** all agencies subject to FOIL are required to develop a policy to provide notification to public employees in the event the agency is responding to a request for such employee's disciplinary records.

STEUBEN AREA EDC

Record Retention and Disposition Schedule

The Steuben Area EDC (the Agency) is required to adopt a Records and Retention Schedule pursuant to Article 57-A of the Arts and Cultural Affairs Law of New York State.

Pursuant to 8 NYCRR Part 185, the Agency, by definition, is classified as a miscellaneous local government entity for purposes of the regulatory Records Retention and Disposition Schedules.

The Agency has approved the adoption of the Record Retention and Disposition Schedule **LGS-1** issued pursuant to Article 57-A of the New York State Arts and Cultural Law, containing legal minimum retention periods of records.

The full schedule can be viewed by using the link below:

<https://www.archives.nysed.gov/sites/archives/files/lgs-1-2022.pdf>

Approved and adopted this 27th day of February, 2025

Steuben AREA EDC

Project Evaluative Criteria

The Steuben Area EDC (Agency) will conduct a written **cost benefit analysis** and evaluate each project being considered for benefits using the criteria listed below:

- **Extent to which a project will create or retain permanent jobs**
- **Estimated value of tax exemptions to be provided**
- **Amount of private sector investment**
- **Likelihood of project being accomplished in a timely fashion**
- **Amount of new revenue provided to local taxing jurisdictions**
- **Inclusion of onsite childcare for employees or other benefits to support employee childcare needs**
- **Any other miscellaneous public benefits that might occur**

Material Terms

In addition, the Agency will, at the time of project review, take into consideration material terms which will be used to determine if a project applicant has met the obligations required for the approval of incentives set by the board. These terms will be utilized by the board in setting and monitoring project benchmarks during the term of the incentives for the purposes of administering the Agency's policy for termination of benefits.

It is understood that the review will vary depending on project type and project specifics. The Agency has adopted specific "Evaluative Criteria" to be considered when reviewing each project type.

These criteria are adopted to provide board guidance when reviewing project applications. The board reserves the right to use additional measures and to gather additional information or data relating to evaluative criteria specific to individual projects.

See Attached Table for Suggested Project Types, Material Terms and Evaluative Criteria:

Approved and adopted this 27th day of February, 2025

Steuben Area EDC Sexual Harassment Prevention Policy

Purpose and Goals

The Steuben Area EDC (the "Agency") 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 Agency 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 Agency'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 Agency. 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>.

Sexual Harassment and Discrimination Prevention Policy:

1. The Agency'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 Agency. 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 Agency 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 Executive Director. 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 Agency 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 Agency 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 Agency will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Agency will act as required. In addition to any required discipline, the Agency 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 Executive Director.

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.

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 Agency's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

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

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or

- Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

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

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

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

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

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social

media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

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

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 Executive Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Executive Director.

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 Executive Director. 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 Agency will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Agency 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 Executive Director:

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 Executive Director 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 Executive Director 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 Agency, 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 Agency 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 by does not file a lawsuit.

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

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

STEUBEN AREA EDC

FREEDOM OF INFORMATION LAW (“FOIL”) POLICY

Section 1 **Applicability**

- (a) This FOIL Policy (“Policy”) shall apply to the Steuben Area EDC (the “Agency”)

Section 2 **Purpose**

(a) This policy provides information concerning the procedures by which members of the public may access records of the Agency in accordance with the New York State Freedom of Information Law (“FOIL”).

(b) The Agency will furnish to the public the information and records required to be disclosed by the New York State FOIL (Article 6, Sections 84-90, of the Public Officers Law), and other applicable regulations. The FOIL gives members of the public the right to access government records, with certain exceptions. The full text of the FOIL law, guidance issued by the New York State Committee on Open Government, and other information about the law can be found on the Committee’s website, <http://www.dos.ny.gov/coog/index.html>

Section 3 **Designation of Records Access Officer.**

(a) The Agency shall designate, from time to time, a person from whom such Agency records may be obtained (the “Records Access Officer”).

(b) The Records Access Officer is responsible for insuring appropriate Agency response to public requests for access to records.

The Records Access Officer shall insure that Agency personnel:

(1) Maintain an up-to-date subject matter list reasonably detailing all records in the possession of the Agency, whether or not available under FOIL.

(2) Maintain a record setting forth the name, public office address, title, and salary of every officer or employee of the Agency.

Section 4 **Hours for Public Inspection and Location**

(a) The Agency shall accept requests for public access to records and produce records during regular business hours.

(b) The Record Access Officer shall designate the locations where records shall be available for public inspection and copying.

Section 5 **Requests for Public Access to Records.**

(a) All requests for Agency records shall be made in writing to the Record Access Officer through:

(1) direct mail or electronic mail or facsimile, at the Agency's post office address, email address or fax number, or

(2) the online FOIL request form on the Agency's website at <https://steubencountyida.com/>

(b) All requests for access to records shall:

(1) contain the name and contact information of the requestor, including, if possible, a telephone number and mailing address, and

(2) include a detailed description of the records that are being sought including, but not limited to, dates, titles, file designations, or any other information that will assist the Agency in locating the requested records.

(c) The Agency shall respond within five business days of receipt of a request by:

(1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) granting or denying access to records in whole or in part;

(3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Agency, the Agency's indexing and retrieval system, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

Section 6 Denial of Access to Records.

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requestor of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address and business phone number.

(b) The Agency shall designate, from time to time, a person to whom appeals shall be submitted.

(c) Any person denied access to records may appeal within thirty days of a denial.

(d) The time for deciding an appeal by the individual to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

(e) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(f) The person designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza, 99 Washington Ave, Suite 650
Albany, NY 12231

(g) The person designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (f) of this section.

Section 7 Employee Notification

(a) An employee of the Agency shall be promptly notified in the event the Agency is responding to a request for such employee's disciplinary records.

Section 8 Fees.

(a) There shall be no fee charged for:

- (1) inspection of records;
- (2) search for records; or
- (3) any certification of records.

(b) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;

(2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction.

(c) The actual cost of production that may be charged by the Agency for producing records may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record if more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices provided to the person making the request in complying with such request; or

(3) the actual cost to the Agency of engaging an outside professional service to prepare a copy of a record, but only when Agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(d) The Agency has the authority to redact portions of a paper record and may do so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(e) The Agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an Agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(f) The Agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(g) In the sole discretion of the Chief Executive Officer/President of the Agency, a determination to waive a fee for copying or reproducing a record may be granted in the instance where Agency staff has spent more than two hours of employee time to prepare a copy of the record requested, excluding search time.

Adopted this ___ day of March, 2025.