

A **motion** was made by Councilwoman Fuller to accept the resignation of Walter Kowalik from the Zoning Board of Appeals effective immediately. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SEWER REPORT:

Monthly:

- Checked and maintained all filter bed pumps (N,S+C)
- Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station
- Took monthly samples

Other:

- MRB Group did stream testing
- Switched valving at each filter bed
- Resampled for e-coli for permit

A **motion** was made by Councilman Thompson to approve the Sewer Report as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION OF SUPPORT AND AUTHORIZATION FOR THE TOWN OF BYRON 2019 NEW YORK STATE CONSOLIDATED FUNDING APPLICATION, WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT APPLICATION

RESOLUTION #59:

Councilman Cudney offered the following resolution and moved for its adoption:

WHEREAS, Town of Byron, Genesee County, supports the submission of a 2019 Consolidated Funding application (CFA) on behalf of the Town, for the Wastewater Infrastructure Engineering Planning Grant (EPG) program to conduct an overall study of its Wastewater Treatment Plant (WWTP); and

WHEREAS, the New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), provides a competitive statewide reimbursement grant program to assist in the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects; and

WHEREAS, the Town of Byron meets EPG eligibility and is considered a funding priority, as upcoming modifications to the Town's State Pollutant Discharge Elimination System (SPDES) permit will require the disinfection of wastewater effluent from its WWTP, and meets municipal median household income thresholds; and

WHEREAS, if funding is received it will allow the Town of Byron to prepare an engineering planning report that explores cost effective solutions to implement disinfection aging infrastructure and equipment, enabling the Town to seek further financing for construction through the CWSRF program to advance the required water quality improvements;

NOW THEREFORE BE IT RESOLVED, the Town Board on behalf of the Town identifies Supervisor Roger V.V. Rouse as the authorized representative for the project, able to execute necessary documents relative to and as required for the CFA; and

BE IT FURTHER RESOLVED, the Town Board does hereby accept that they shall provide at least 20% match of the total grant funding awarded as a local match in the form of in-kind services or cash contribution hereby appropriated and obligated from the Sewer Fund; and

BE IT FURTHER RESOLVED, that the Town of Byron, recognizes and fully supports the submission of the 2019 CFA for an EPG for overall improvements to its wastewater treatment plant.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 1 (Councilwoman Fuller)

Paul Chatfield: The Town's permit is up for renewal and the Town must comply with DEC requirements. As part of the grant MRB Group looks at different alternatives and prepares a report which supports the application for grants. If the Town does not comply with DEC requirements they can levy fines against the Town.

TOWN OF BYRON WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT
SEQR RESOLUTION – TYPE II ACTION

RESOLUTION #60:

Councilman Klycek offered the following resolution and moved for its adoption:

WHEREAS, the Town of Byron Town Board, (hereinafter referred to as Town Board) is completing an application through the New York State Consolidated Funding Application (CFA) under New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC) for the preparation of the engineering report; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board does hereby classify the above referenced Action to be a Type II Action under 6 N.Y.C.R.R. Section 617.5[c][27] of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Town Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

SEXUAL HARASSMENT POLICY

RESOLUTION #61:

Councilman Klycek offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Byron hereby adopts the Sexual Harassment Policy and Sexual Harassment Complaint Form as attached to these minutes.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

- Mowing roadsides
- Leveling roadsides
- Freeman Road was micropaving
- Cleaned ditches
- Milling in South Byron with State
- Shimming roads with Bergen next week
- Took NYS Dig Safely training
- Rte. 237 paving should be done in next couple of days

A **motion** was made by Councilwoman Fuller to approve the Highway Superintendent Report as given. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT – Mike Morris:

·A copy of the report is on file with the CEO/ZEO

A **motion** was made by Councilman Klycek to approve the CEO/ZEO Report as given. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Jim Cudney:

- Discussion regarding the Park contract between the Town and Byron Fire Dept.
- Discussion regarding tennis court repair
- 27 Park Surveys have been received
- There is no local law regarding hunting on park property
- Byron-Bergen park work day was cancelled due to rain. Hopefully it can be done in the Fall
- Elba Boy Scouts will be staying at Trestle Park this weekend and working on trails
- After some discussion, a small committee will be formed and they will discuss what changes need to be made to the current Park contract.

A **motion** was made by Councilwoman Fuller to approve the Park Committee Report as given. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

MUSEUM REPORT – Councilwoman Fuller:

·Laurel Smith was supposed to attend tonight’s meeting to discuss heating and air conditioning for museum, and she did not attend.

A **motion** was made by Councilman Cudney to approve the Museum Report as given. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #62:

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board pay the following abstracts:

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#6	#129 - #159	\$ 20,460.16
Highway Fund	#6	#81 - #96	\$ 16,789.08
Sewer Fund	#6	#29 - #34	\$ 5,849.92
General Fund Post Audit	#4	#12 - #15	\$ 1,983.55
Sewer Post Audit	#4	#7 - #8	\$ 672.82
Water District No. 7	#2	#2 - #6	\$504,843.48
Water District No. 8	#3	#3 - #6	\$438,309.55

·There was a discussion regarding Accadia Site Contracting (Water District No. 7) and that several residents have complained about restoration that has been done by them. The Town Board would like all restoration work done adequately prior to releasing any more funds to Accadia. After some discussion, it was decided that the \$92,386.49 on Water District No. 7 Abstract #2 would be paid to Accadia because there was still \$57,000 being held back.

·Paul Chatfield would like a list of the names and addresses from residents that have complained. He would like all future complaints written on a complaint form and sent to him.

Steve Vantroost, the inspector from MRB Group, and Supervisor Rouse will visit each property and determine if they need to be repaired further.

Councilman Cudney seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 1 (Councilwoman Fuller)

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 68.00
Paid to the Park Committee for Pavilion Rental.....	\$ 60.00
Paid to DEC for Hunting and Fishing Licenses.....	\$ 72.76
Paid to the Town of Byron Supervisor.....	<u>\$3,208.64</u>
Total Disbursed for May 2019.....	\$3,409.40

A **motion** was made by Councilman Cudney to approve the Town Clerk's Report as given for May 2019. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

The April and May 2019 Financial Reports were reviewed.

A **motion** was made by Councilman Thompson to approve the April and May 2019 Financial Reports. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

- Attended GAM meeting. Scott German, the County Treasurer, gave presentation regarding Sales Tax.
- Nothing more on solar. Met with someone to discuss energy storage.
- The board would like to have the law firm that contacted the Town Board members via email attend one of the Board meetings. Councilman Klycek will contact them to set up a date and time.

A **motion** was made by Councilwoman Fuller to have Councilman Klycek contact the law firm regarding solar energy that contacted the Board via email to have them attend a Board meeting and to give a presentation. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Thompson to approve the Supervisor's Report as given. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

Morsch Pipeline has completed the installation of the water main along both Batavia-Byron Road and NYS Rte. 262, and installed the pressure reducing valve pit and horizontal boring across NYS Rte. 262. Morsch will be installing water services starting Monday, June 17, 2019. The MCWA will be activating Batavia-Byron Road and NYS Rte. 262 shortly. Morsch will then follow up with their final restoration. Morsch Payment Application No. 1 is in for approval by the Town Board in the amount of \$157,135.57. We are retaining \$202,185.23 for completion of all work and receipt of the closeout paperwork.

·Accadia has completed the testing, disinfection and sampling of the water mains. They have completed the installation of all work in the areas that they installed water main, including installation of the water services and restoration of all lawn and roadway areas. Accadia Payment Application No. 4 is in for approval by the Town Board in the amount of \$92,386.49. We are retaining \$57,737.15 until all closeout paperwork has been submitted by Accadia and any punch list items or resident concerns are addressed by them. Accadia Change Order No. 2 is in for approval by the Town Board in the DEDUCT amount of \$5,904. This Change Order has been prepared to adjust the final contract amount based upon actual quantities of materials installed. MRB will be processing the closeout paperwork associated with their contract in the coming days.

CONTRACTOR'S APPLICATION FOR PAYMENT NO. 4 AND CHANGE ORDER NO. 2
RESOLUTION #63:

Councilwoman Fuller offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Contractor's Application for Accadia Site Contracting for Payment No. 4 in the amount of \$92,386.49, and to approve the Change Order No. 2 for a decrease in the amount of \$5,904.00 .

Councilman Cudney seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 8

·Randsco has finished all installation of water main and boring under railroad. Completing restoration this week and next. All of district is in service except a couple of houses near railroad crossing, which will be done in the next couple of weeks. Randsco Payment Application No. 3 is in for Town Board approval in the amount of \$151,657.05. We are retaining \$263,815.80 for completion of all work and receipt of the closeout paperwork.

WATER DISTRICT NOS. 7 AND 8 APPOINTMENT OF NYS CERTIFIED OPERATOR
RESOLUTION #64:

Councilman Klycek offered the following resolution and moved for its adoption:

WHEREAS, the construction of the improvements for the Town of Byron Water Districts No. 7 and No. 8 Projects are under construction and nearing completion.

BE IT RESOLVED, that a NYS certified operator, Raymond W. Benshoff (NYSDOH Certificate #NY0036708), will operate the water systems pursuant to the Agreement between the Town of Byron and the Monroe County Water and Sewer Authority.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

FUTURE WATER DISTRICTS:

·**Water Improvement Benefit Area No. 1** (Previously Water District #10 – Northern/Western portion of Town): Awaiting confirmation from Jay Grasso and LaBella regarding the income eligibility for Byron WIBA No. 2. The hope is to bring WIBA No. 2 into WIBA No. 1 and complete that as one project as requested by USDA. If the two projects are brought into as one project the SEQR will need to be modified to address both areas.

Water Improvement Benefit Area No. 2 (Previously Water District #9 - Southeast area of Town): Rural Development would like the project completed as one project. If income survey for WIBA#2 doesn't hurt WIBA#1 then the districts can be put together, if not, they will be two different districts.

PUBLIC COMMENTS:

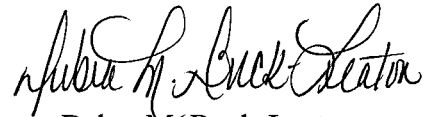
Attorney Paul Boylan: The Highway Superintendent will be retiring at the end of the year. The Highway Superintendent called Paul Boylan to see if he could retire for 1 day and have the Town Board appoint him. According to NYS Retirement, the Highway Superintendent can't retire for 1 day and then have the Board appoint him, it has to be a period of time which is determined by NYS Retirement. The Highway Superintendent also requested payment of accumulated sick time from when he was a highway employee, Paul Boylan said this would be illegal since the Highway Superintendent is an elected official and not a highway union employee.

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 9:00 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk

**TOWN OF BYRON, NEW YORK
SEXUAL HARASSMENT POLICY**

INTRODUCTION

The Town of Byron is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace.

This Policy is one component of the Town's commitment to a discrimination-free work environment. Sexual harassment is against the law, and all employees have a legal right to a workplace free from sexual harassment. Employees are urged to report sexual harassment by filing a complaint internally with the Town. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

POLICY

1. The Town of Byron's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Town Attorney. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Town will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual

harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town will provide all employees a complaint form for employees to report harassment and file complaints.
7. 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 Attorney.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

Defining Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal and state 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 includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient'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 who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under 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:

- 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;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual 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 or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 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.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, 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, name-calling.

Who can be a target of sexual harassment?

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

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

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours). Such retaliation is unlawful under federal and state 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, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; 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

Preventing sexual harassment is everyone's responsibility. The Town of Byron cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or nonemployee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Town Attorney.

Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Town Attorney. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form.

Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf. Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Town Attorney. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, The Town Attorney will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual 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 but is also prohibited by state and federal law. Aside from the internal process at the Town, employees may also choose to pursue legal remedies with the external governmental entities as outlined below.

While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status.

A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged 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 does not extend your time to file with DHR or in court. The one year or three years is counted from 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 are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is:

**NYS Division of Human Rights
One Fordham Plaza, Fourth Floor
Bronx, New York 10458
PHONE: (718) 741-8400
WEB: www.dhr.ny.gov.**

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.).

An individual can file a complaint with the EEOC anytime within 300 days from the 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, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC. An employee alleging discrimination at work can file a "Charge of Discrimination."

The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669- 4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact Law Enforcement

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. If this has occurred, immediately contact the Genesee County Sheriff's Department at (585) 345-3000.