

City of Ithaca

Anti-Discrimination and Anti-Harassment Policy

Statement of Policy

The City of Ithaca is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment and hostile behaviors. Therefore, the Mayor and Common Council expect that all relationships and interactions among persons in the City work environment will be professional; respectful; and free from bias, prejudice, hostility, and harassment.

The State of New York and the City of Ithaca prohibit discrimination based on the actual or perceived age; creed; color; disability; domestic violence victim status; ethnicity; familial status; gender; gender identity or expression; height; weight; immigration or citizenship status; marital status; military status; national origin; predisposing genetic characteristics; race; religion; sexual orientation; or socioeconomic status of an individual. All such discrimination is unlawful and will not be tolerated. Additionally, the City does not allow bias-based harassment, or harassment of any other kind, in its workplace. The City of Ithaca is committed to taking all reasonable steps to prevent discrimination and harassment from occurring in its workplace.

Definitions

Discrimination: Treating an individual differently because of the individual's membership in the above mentioned categories. Discrimination based on membership in these categories (other than providing reasonable accommodation for differently-abled persons) is prohibited by federal, state, or local laws.

Harassment: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that annoys, disturbs, frightens, insults or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes bias-based harassment and sexual harassment.

Bias-Based Harassment: Harassment that denigrates, offends or shows hostility or aversion toward an individual because of his/her actual or perceived age; creed; color; disability; domestic violence victim status; ethnicity; familial status; gender; gender identity or expression; height; weight; immigration or citizenship status; marital status; military status; national origin; predisposing genetic characteristics; race; religion; sexual orientation; or socioeconomic status; or that of his/her relatives, friends, or associates. Bias-based harassment includes, but is not limited to: epithets, slurs or

negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the employer's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

Scope of Policy

This policy applies to all City officers and employees. This policy applies to all aspects of the relationship between the City and its employees, including but not limited to: recruitment, employment, promotion, training, working conditions, and benefits. Also, employees of the City shall not discriminate against independent contractors, volunteers, personnel employed by temporary agencies, applicants, customers, the general public, and any other persons or agencies doing business for or with the City. It is the expectation that independent contractors shall not discriminate against City employees. If any contractor violates this policy, appropriate action will be taken.

Department heads and supervisory personnel are responsible for ensuring a work environment free from unlawful discrimination or harassment. These individuals must take immediate and, if authorized, appropriate corrective action when allegations of discrimination or harassment come to their attention to assure compliance with this policy. Should a department head or supervisor not be authorized to take corrective action, the matter shall be referred to the individual or body, as the case may be, having the authority to take corrective action.

Reporting and Investigating

Any City officer or employee who witnesses or experiences an incident of suspected discrimination or harassment shall report the incident to the appropriate department head or to the Human Resources Director, or their designees, as soon as possible after an alleged incident.

Complaint Procedure

Informal Procedure

Some situations may be resolved in an informal manner by the Department Head or supervisor without the need for a formal complaint and investigation. Disciplinary action may not be imposed without a formal complaint being filed, and a finding, after investigation, that there is probable cause to believe discrimination or harassment occurred.

An individual reporting harassment, discrimination, or retaliation should be aware, however, that the City of Ithaca may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual making the complaint.

Formal Procedure

A formal complaint must be in writing and must include the act(s), complained about, identify the person or persons alleged to have committed such act(s), and indicate the approximate dates, if known, when the act(s) occurred. Employees and officers can fill out the form themselves, or ask for help from their supervisor, Department Head, or the Human Resources Director. A formal complaint shall be filed with the Department of Human Resources.

Investigation Procedure

Once a formal complaint has been received, the Human Resources Director or the Director's designee will commence a prompt investigation of the allegations in the complaint and will report the results of the investigation to the complainant's Department Head or to the Mayor, as appropriate. The investigation should be concluded within sixty (60) days of the filing of the formal complaint. The investigation may be expanded if additional allegations are uncovered during the investigation.

The investigation may include but is not limited to: identifying the alleged harasser, separately interviewing witnesses, meeting with the person accused to inform her/him of the complaint and informing her/him that retaliation is prohibited, interviewing the accused person regarding the allegations, interviewing witnesses, and determining whether or not there is probable cause to believe that the allegations are true.

Prompt reporting of a complaint is strongly encouraged as it allows for rapid response to and resolution of objectionable behavior. Complaints should be filed within one year of the alleged harassment.

Post-Investigation and Appeal Procedure

Unfounded Complaints

If, after an investigation, a complaint is determined to be unfounded, the Human Resources Director will inform the complainant(s) and the accused that the complaint is unfounded. The Human Resources Department will maintain a confidential record of the investigation.

Founded Complaints

If a complaint is founded, the Human Resources Director and the Department Head or Mayor will meet with the person accused and his/her union representative, if the accused is represented, and explain the findings of the investigation. The accused will have an opportunity to accept the findings and any corrective and/or disciplinary action, or to oppose the findings and file a grievance through his/her collective

bargaining unit. The Human Resources Department will maintain a confidential record of the investigation.

In the event that either the employee alleging discrimination or harassment, or the employee being charged with discrimination or harassment, is not covered by a labor contract, the employee may exercise the employee's appeal rights provided for by Civil Service Law, Section C-26.1 of the City Charter, or Article 1 of Chapter 90 of the Code of the City of Ithaca, as appropriate.

Corrective and Disciplinary Action

Corrective and disciplinary action for discrimination or harassment may include, but is not limited to, any of the following: attending individualized training; verbal warning; written reprimand; work restrictions; monetary fine; salary reduction or limitation; demotion; suspension; dismissal.

Confidentiality

The City wishes to create a safe and comfortable environment in which employees are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, or retaliation. The City recognizes that employees may be concerned about the confidentiality of information they share and will strive to preserve confidentiality to the fullest extent possible.

Employees must understand that their anonymity cannot always be maintained, especially if disciplinary action is warranted.

Filing Complaints with Outside Agents

This internal complaint and investigation process does not substitute for or remove the rights of employees or officers to bring charges of discrimination or harassment with local, federal, and state agencies. Those agencies have specific time limits within which complaints can be brought, and employees or officers should consult each agency as to the proper procedure or time limit.

Support Services

Individuals involved in discrimination or harassment complaints are encouraged to seek assistance through the Employee Assistance Program or the Human Resources Department.

Responsibilities of Managers and Supervisors

All managerial and supervisory staff of the City of Ithaca shall be responsible for enforcing this policy and shall have particular responsibility for ensuring that the work

environment under their supervision is free from harassment and discrimination and its effects.

All managerial and supervisory staff who receives harassment or discrimination complaints will be responsible for immediately forwarding such complaints to either their Department Head or the Director of Human Resources for investigation.

The City shall conduct training for managerial and supervisory staff in each department on the issues surrounding harassment and discrimination, its effects and its appearances, and the role and responsibility of supervisory personnel in preventing incidents of harassment or discrimination and resolving complaints.

The City shall also distribute this policy to all City employees and conspicuously post this policy at all City work sites. Copies of this policy will also be distributed to new employees as they are hired. Employees will be required to sign a statement that they have read and understood the policy. The City shall also conduct training for all City employees on the concept and definition of harassment and discrimination, the issues surrounding it, and ways in which to deal with it appropriately.

Violation of Policy

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. The City of Ithaca will investigate every issue that is brought to its attention in this area and will take appropriate action.

Retaliation

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately to the Human Resources Director and will be promptly investigated and addressed.

Related Laws and Policies:

City Code - Human Rights Protection – Chapter 215

Sexual Harassment Policy

Workplace Violence Prevention Policy

Employee Standards of Conduct

Adopted by Common Council on 11/02/11

Revised by Common Council on 11/02/16

Domestic Violence and the Workplace Policy

Policy Statement

Domestic violence is a public concern that affects employees in the community and the workplace. In addition to its multiple negative consequences for victims and survivors, domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

The purpose of this policy is to heighten awareness of domestic violence, and identify and prescribe practices that will promote safety in the workplace and respond effectively to the needs of victims of domestic violence, thus helping to secure the fundamental human right to be free from domestic violence as recognized by the City of Ithaca.

Therefore, the City of Ithaca to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations or collective bargaining agreements, designates and directs appropriate management, supervisory, and/or human resources staff to implement the following policy.

Definitions and Persons Covered by this Policy

For purposes of this policy, the following terms are defined as outlined below.

Domestic Violence: A pattern of coercive behavior, including acts or threatened acts that are used by a perpetrator to gain power or control over a current or former intimate partner. This behavior includes, but is not limited to, physical and/or emotional or sexual violence, physical and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, threats, injury, or other related crimes.

Intimate Partner: Persons of all gender identities and sexual orientations who are or were legally married to one another or who have a child together, or who are or were in an intimate relationship including but not limited to couples who live together or have lived together.

Perpetrator, Batterer, or Abuser: An individual who uses a pattern of abusive or coercive tactics, which can include physical, psychological, sexual, economic, and emotional abuse, including threats of abuse, against an intimate partner, with the goal of establishing and maintaining power or control over the intimate partner.

Survivor or Victim: The individual who is the subject of an act of domestic violence
Persons covered by this policy include City of Ithaca's full and part time employees, interns, contractors, volunteers, or temporary workers in any City workplace location.

Non-Discriminatory and Responsive Personnel Practice for Employees who are Victims of Domestic Violence

- A. The City of Ithaca shall ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence. Victims of domestic violence are a protected class in the employment provisions of the New York State Human Rights Law. [NYS Human Rights Law Sec.296]. As such, the City of Ithaca will not discriminate against any employee for being, or appearing to be a victim of domestic violence in hiring, staffing, or promotions, or other terms, conditions, or privileges of employment. In addition, the City of Ithaca will not discriminate, retaliate, or take any adverse

employment action against any employee who submits a complaint or discloses concerns about domestic violence to the Human Resources Department or any supervisor or co-worker.

- B. If the City of Ithaca identifies that an employee is experiencing work performance difficulties that are a result of being a victim of domestic violence, the employee shall be afforded all of the proactive measures outlined in this Policy and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the employee's situation, and all available options to resolve the performance problems will be exhausted.
- C. If reasonable measures have been taken to resolve domestic violence-related performance issues of victimized employees, but the performance issues persist and the employee is terminated from employment, the City of Ithaca shall inform the employee of the employee's eligibility for unemployment insurance. If the employee voluntarily separates from employment, New York State law provides that such employee may, under certain circumstances, be eligible for unemployment insurance benefits. The City of Ithaca will respond quickly to any request for information that may be needed in the claims process and will not oppose immediate commencement of employee's receipt of those benefits. The City of Ithaca will also inform the employee about the employee's eligibility to continue receiving health care coverage through the City of Ithaca's insurance program.

Confidentiality for Employees who are Victims of Domestic Violence

- A. The City of Ithaca shall keep information that is confidential or will maintain information related to an employee being a victim of domestic violence, to the extent permitted by law and the City of Ithaca policy, and shall not divulge information without the written consent of the employee, unless the City of Ithaca determines that disclosure is necessary to protect the employee's or the employee's co-workers' safety, or to comply with state or federal law. If disclosure does become necessary, the City of Ithaca will only make those disclosures that are strictly necessary to safeguard the employee's or the employee's co-workers' safety, or to comply with the law. In addition, wherever practicable, notice will be given to the employee in advance of disclosure.
- B. The City of Ithaca will provide clear guidance about applicable limitations on confidentiality to employees who are victims of domestic violence and to staff providing support to those employees.

Workplace Safety Plans for Employees who are Victims of Domestic Violence

- A. The City of Ithaca Human Resources Director or designee shall be available to support those in need of assistance around issues of domestic violence. The Human Resources Director or designee's contact information, including name, phone number, and location, will be included in The City of Ithaca materials and clearly posted.
- B. The Human Resources Director or designee will assist employees who are victims of domestic violence in developing and implementing an individualized domestic violence workplace safety plan. The plan should be in writing and reviewed with the employee and the supervisor/department head. The plan should be revised upon the employee's request. The plan may include, but is not limited to: procedures for alerting security personnel or security procedures for alerting the employee, temporarily relocating the employee to a secure area;

change of work schedule; reassignment of parking space, escort for entry to and exit from the building, and keeping a picture of the perpetrator and a copy of any existing court orders of protection in a confidential onsite location and providing copies to entry staff and security personnel. Plans must address additional concerns if the employee and the perpetrator are both employed by the City of Ithaca.

- C. In consultation with the victim, Human Resources should coordinate with the information technology personnel to address victim safety concerns. These concerns include the perpetrator's use of computer technology to harass or stalk a victim or use of information on City of Ithaca website about a victim to locate and harm the victim. The above-described safety plan should address these concerns, including removing identifying information, such as the victim's telephone number and office location, from the City of Ithaca website.
- D. In accordance with the Workplace Violence Prevention policy, the City of Ithaca requires employees to bring their court orders of protection to the attention of the Director of Human Resources. Once the employee brings forward the order of protection, it will be held in a locked filing cabinet in the Human Resources department. In the case of a workplace emergency requiring the presentation of the order of protection to law enforcement, if the Director of Human Resources is unavailable to obtain the document, the Deputy Director of Human Resources or the City Attorney will have access to the document.
- E. The City of Ithaca shall comply and assist with enforcement of all known orders of protection, particularly orders in which perpetrators have been ordered to stay away from the work site. If requested by an employee who is the victim of domestic violence or by law enforcement, the City of Ithaca shall provide any information concerning an alleged violation of an order of protection. The City of Ithaca shall respond to employee requests for information and documentation from the workplace and could support judicial protection efforts or help a victimized employee obtain and maintain safety from an alleged perpetrator, to the greatest extent possible on a case-by-case basis, subject to applicable privacy laws.

Workplace Accommodations for Employees who are Victims of Domestic Violence

- A. New York State law makes it an offense for an employer to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his, her, or their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. [NY Penal Law sec. 215.14].
- B. Employees may require work schedule adjustments and time off in order to secure medical or legal assistance or counseling, find new housing, attend court proceedings, relocate, participate in safety planning, or make other safety arrangements. These responsibilities may also include caring for family members who have been impacted by the abuse or violence. The City of Ithaca will make employees aware that to request time off or other accommodations, employees should contact their supervisor/department head or the Human Resources Department. The Human Resources Department will assist the employee in determining the most appropriate form of leave available. When the need for time off is foreseeable, an employee must provide reasonable notice prior to the leave unless advance notice is not feasible. When the need for time off is not foreseeable, the employee should contact their supervisor and the Human Resources Department as soon as reasonably possible after commencing the leave and request permission for further time off. The City of

Ithaca will allow the employee to use their accrued leave time in accordance with their labor contract or benefits package before requiring the employee to utilize unpaid leave.

- C. The City of Ithaca will make reasonable accommodations to permit an employee who is a victim of domestic violence to continue to perform the employee's job. If a requested accommodation is not feasible, the City of Ithaca will consider alternative accommodations before considering a separation from service.

Modifying Employees who are Victims of Domestic Violence's Employment Benefits

- A. The City of Ithaca shall inform employees who are victims of domestic violence and who separate from a spouse or other covered intimate partner that they shall be allowed to make reasonable changes in employment benefits at any time where possible, in accordance with statute, regulation, contract, and policy.
- B. The City of Ithaca will grant and process employees' requests for necessary changes to electronic payroll transfers as expeditiously as possible.

Holding Employee Offenders Accountable

- A. The City of Ithaca shall hold accountable employees who engage or assist in acts of domestic violence. In cases in which the City of Ithaca finds that an employee has threatened, harassed, or abused an intimate partner by using job-related authority or resources such as work time, workplace telephone, fax machines, mail, email or other means, the employee shall be subject to corrective or disciplinary action up to and including termination.
- B. In cases in which an employee uses his or her job-related authority or resources to knowingly assist a perpetrator to locate an employee who is a victim of domestic violence, assist a perpetrator to perpetrate acts of domestic violence, or protect a perpetrator from appropriate consequences for his or her behavior, that employee shall be subject to corrective or disciplinary action up to and including termination.
- C. If the offending employee's supervisor becomes aware that the employee has engaged in any of the behaviors prohibited under this policy, the supervisor shall immediately report the employee to the Human Resources Department so that an investigation can begin without delay. If the person who usually investigates the complaints is the alleged perpetrator, the investigation will be immediately reassigned to another personnel member. Both the investigation and, if applicable, disciplinary action shall be prompt and completed within a reasonable time period. In addition to investigating the Human Resources Department may arrange for interventions and referrals as appropriate in the circumstances of the case.

Enforcing the Prohibition of Possession of Firearms for Convicted Offenders

- A. Pursuant to New York State [NY Criminal Procedure Law §530.14] and federal law [18 U.S.C. §922 (g)(8)], a person convicted of a domestic-violence-related crime or subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm.
- B. In addition to complying with the law, employees who are authorized to carry a firearm as part of their job responsibilities are required to notify Human Resources if they are arrested on a

domestic-violence-related offense and/or served with an order of protection. Under certain circumstances, such employees are responsible for surrendering their firearms.

- C. Should an employee fail to comply with the requirements set forth in this policy, the employee shall be subject to corrective or disciplinary action. In addition, the City of Ithaca will notify the appropriate law enforcement agency for possible criminal action.

Employee Education, Training, and Resources Regarding Domestic Violence and Related Crimes

- A. The City of Ithaca shall disseminate copies of the City's Domestic Violence and the Workplace Policy to all employees upon adoption and to all new employees upon hiring or appointment.
- B. The City of Ithaca shall increase awareness of domestic violence and inform employees of available sources of assistance. The City of Ithaca shall post information on domestic violence and available resources in the work site in places where employees can obtain it without having to request it or be seen removing it, such as on the City website and in private areas of restrooms, lounge areas, and lunch sites. This information shall include available sources of assistance such as Employee Assistance Programs, local domestic violence service providers, and the names and contact information of the appropriate human resources personnel who are trained and available to serve as confidential sources of information, support, and referral.
- C. The City of Ithaca shall integrate information on domestic violence and this policy into existing materials and literature, policies, protocols, and procedures, including existing workplace violence prevention plans or protocols.
- D. The City of Ithaca shall conduct domestic violence awareness activities such as "brown bag" lunch talks and other health and wellness programs.
- E. All managers and human resources employees shall participate in trainings on domestic violence and the workplace, which shall include training on the implementation of this policy. If possible, the City of Ithaca will also make training on domestic violence and the workplace available to all staff and encourage staff members to attend these trainings.
- F. Training materials shall be integrated into existing union and management training programs, agency training programs, and violence prevention training programs.

Monitoring the Success of this Policy

- A. The City of Ithaca will review how consistently new procedures are being implemented, will monitor the usage rate and efficacy of employees accessing services to address domestic violence, and will review incident reports for the quality of security responses and actions taken.
- B. The City of Ithaca will develop a review group for this purpose, which will include representatives from security, human resources, employee assistance, and other relevant offices, as appropriate.

CITY OF ITHACA SEXUAL HARASSMENT PREVENTION POLICY

Statement of Policy

It is the policy of the City of Ithaca, in its capacity as an employer, to provide and maintain a work environment which is free from unlawful discrimination. Sexual harassment is a form of unlawful discrimination and is prohibited in each and every City work environment and each and every situation, which directly impacts a City work environment.

The City of Ithaca considers sexual harassment to be a form of employee misconduct and considers this type of misconduct to be a serious offense. Allegations of sexual harassment will be investigated thoroughly and, if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), up to and including discharge.

Federal Definition Adopted

According to Federal Equal Employment Opportunity Commission (EEOC) guidelines, "sexual harassment" is defined as follows:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

The City of Ithaca hereby adopts the above definition of sexual harassment. The definition applies to the conduct of a supervisor towards a subordinate; the conduct of one employee towards another employee; the conduct of an employee towards a job applicant; and the conduct of a nonemployee towards a City employee.

Examples of Sexual Harassment Examples of sexual harassment include, but are not limited to: abusive verbal language related to an employee's sex, sexual innuendoes, jokes, and other sexually suggestive comments or references to sex or gender-specific traits; abusive written notes, email, graffiti, telephone calls or facsimiles that are sexual in nature; sexual propositions, insults, or threats; persistent unwanted sexual/romantic attention; leering, whistling, or other sexually suggestive or insulting sounds or gestures; displaying pictures, calendars, cartoons, or other material with sexual content; coerced or unwelcome touching, patting, brushing up against, pinching, kissing, stroking, massaging, squeezing or tickling; subtle or overt pressure for sexual favors; coerced sexual intercourse (e.g., as a condition of employment).

Reporting and Investigation of Complaints

A. Questions about the Policy

If any City employee or officer is subject to, or witnesses, a situation which he or she believes constitutes sexual harassment or has any questions about the City sexual harassment policy or on how to proceed, the employee should contact the Human Resources Department.

B. Confidentiality

The City of Ithaca has a commitment to respect the privacy and anonymity of both victims and accused harassers, within legal constraints. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

All individuals who are involved in the complaint and/or investigation process are obliged to maintain the confidentiality of the proceedings. The maintenance of confidentiality does not mean that the accused will not be made aware of the complaint and its specifics.

C. Reporting Complaints

Any City officer or employee is required to report an incident of suspected harassment or employment discrimination to his or her supervisor, Department Head, or the Director of Human Resources as soon as possible after an alleged incident. The person reporting the harassment does not have to be the intended target of the harassment. When a supervisor or department head receives a complaint, he or she will contact the Human Resources Department immediately to determine how to investigate and address the complaint.

D. Types of Complaints

Informal Complaints Some situations may be resolved in an informal manner by the Department Head or supervisor without the need for a formal complaint and investigation. Disciplinary action may not be taken against the alleged harasser without a formal complaint being filed, and a finding, after investigation, that there is probable cause to believe harassment occurred.

Formal Complaints A formal complaint must be in writing and must include the act(s) complained about, identify the person or persons alleged to have committed such act(s), and indicate the approximate dates, if known, when the act(s) occurred. Employees and officers can fill out the form themselves, or ask for help from their supervisor, Department Head, or the Human Resources Director. A formal complaint shall be filed with the Department of Human Resources.

E. Investigation Procedure

Once a formal complaint has been received, the Human Resources Director will commence a prompt investigation of the allegations in the complaint and will report the results of the investigation to the complainant's Department Head or to the Mayor, as appropriate. The

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investigation should be concluded within sixty (60) days of the filing of the formal complaint. The investigation may be expanded if more allegations are uncovered during the investigation.

The investigation may include, but is not limited to: identifying the alleged harasser, separately interviewing the complainant and/or witnesses, meeting with the person accused to inform her/him of the complaint and informing her/him that retaliation is prohibited, interviewing the accused person regarding the allegations, interviewing witnesses provided by the accused person, and determining whether or not there is probable cause to believe that the allegations are true.

Prompt reporting of a complaint is strongly encouraged as it allows for rapid response to and resolution of objectionable behavior. Complaints should be filed within one year of the alleged harassment.

F. Protection from Retaliation

Federal and State law and City of Ithaca policy prohibit any form of retaliation against a person who files a discrimination complaint or is a witness in a discrimination complaint procedure.

Post-Investigation and Appeal Procedure

A. Unfounded Complaints

If, after an investigation, a complaint is determined to be unfounded, the Human Resources Director will inform the complainant(s) and the accused that the complaint is unfounded. The Human Resources Department will maintain a confidential record of the investigation.

B. Complaint Founded

If a complaint is founded, the Human Resources Director and the Department Head or Mayor will meet with the person accused and his/her union representative, if the accused is represented, and explain the findings of the investigation. The accused will have an opportunity to accept the findings and any corrective and/or disciplinary action, or to oppose the findings and file a grievance through his/her collective bargaining unit. The Human Resources Department will maintain a confidential record of the investigation.

In the event that either the employee alleging sexual harassment or the employee being charged with sexual harassment is not covered by a labor contract, he/she may exercise his/her appeal rights provided for by Civil Service Law, Section C-26.1 of the City Charter or Article 1 of Chapter 90 of the Code of the City of Ithaca, as appropriate.

C. Corrective and Disciplinary Action

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D. Filing Complaints with Outside Agents

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E. Support Services

Individuals involved in sexual harassment complaints are encouraged to seek assistance through the Employee Assistance Program or the Human Resources Department.

Responsibilities of Managers and Supervisors

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The City shall conduct training for managerial and supervisory staff in each department on the issues surrounding sexual harassment, its effects and its appearances and the role and responsibility of supervisory personnel in preventing incidents of sexual harassment and resolving sexual harassment complaints.

The City shall also distribute this policy to all City employees and conspicuously post this policy at all City work sites. Copies of this policy will also be distributed to new employees as they are hired who will be required to sign a statement that they have read and understood the policy. The City shall also conduct training for all City employees on the concept and definition of sexual harassment, the issues surrounding it and ways in which to deal with sexual harassment.

Standards of Conduct for City of Ithaca Employees

Statement of Purpose and Goals

The Standards of Conduct for City of Ithaca Employees are behavioral expectations for employees to follow in order to create a safe, comfortable and productive work environment that exemplifies the City's Vision, Mission, Values and Diversity Statement. This policy ensures that employees are informed of their responsibilities for accountability and ethical conduct, and that any potential violation is reviewed and reported in accordance with City procedures.

City employees, as providers of public service, should be mindful that the City is a tax-supported entity and its citizens should receive the best quality and highest standard of service possible. Employees are agents of the City. Therefore, employee actions represent the City as an employer.

The success of City operations is dependent on the trust and confidence among employees. We gain credibility by adhering to our commitments, displaying honesty and integrity, and reaching City goals through honorable conduct.

The following describe workplace behaviors and the expectations for the City of Ithaca's entire workforce and governing body. Failure to adhere to these standards may lead to corrective action, up to and including disciplinary action.

Respectful Engagement

The City of Ithaca commits itself to ensuring that every City employee works in an environment where s/he is treated with dignity and respect. Such an environment enables individuals to work to their full potential, which inevitably benefits the community.

Respectful behavior is exhibited in various ways. Examples include but are not limited to showing up on time for work or meetings, following through on work assignments, sharing information needed by others to perform their job, accepting differences, treating everyone with decency, etc.

Professionalism In the Workplace

City of Ithaca employees are expected to behave in a courteous, respectful and mature manner. Disorderly conduct (including but not limited to fighting, arguing, negative non-verbal behavior and swearing at work) should not occur.

Undignified behaviors discredit you as a City employee, the department and the City. Employees should keep in mind that only seven (7) percent of communication effectiveness is determined by the words used; and ninety-three (93) percent is determined by non-verbal behaviors (eye contact, gestures, tone, facial expressions, body stance, etc). Employees should be mindful that it is not only what you say that determines your professional demeanor, but also how you say it.

Service Excellence

The City of Ithaca workforce wishes to provide the highest quality of service to its residents and visitors. This is accomplished by being responsive to the needs of the community. There

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will be times when we are not able to meet all demands requested; nonetheless, those making the request should always feel respected and heard.

Health and Safety Adherence

The City of Ithaca is dedicated to maintaining a healthy and safe environment. A safety manual has been designed by the Safety Committee to educate employees on safety in the workplace.

Employees are expected to adhere to City safety guidelines as well as state and federal laws regarding health and safety.

Avoidance of Conflicts of Interest

City employees must exercise their official duties solely in the public interest and must avoid actual conflicts of interest to the greatest extent possible.

City employees should avoid circumstances which compromise their ability to make impartial judgments solely in the public interest and should, to the greatest extent possible, avoid even the appearance of conflict of interest. No city employee shall knowingly take any action or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his or her duties.

Drugs/Alcohol Free

Reporting to work under the influence of alcohol, illegal drugs, or any legal drugs which could endanger your well-being or the well-being of others is strictly prohibited. The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace is also prohibited.

Responsible Use of City Property

City resources, including time, materials, equipment and information, are provided for City business use. Employees are expected to behave responsibly and use good judgment to conserve City resources.

The City reserves the right to monitor or examine any City-issued property. The City will not tolerate the use of City resources to create, access, store, print, solicit or send any materials that are harassing, threatening, abusive, sexually explicit or otherwise offensive or inappropriate.

Appropriate Attire

Employees are expected to present a professional image appropriate to the type of work performed. Employees should never wear anything that will offend another employee or the public, in accordance with a reasonable person's standards.

Protect Confidentiality and Privacy

Each person is entitled to have his/her personal and confidential information held by the City protected. We must treat confidentiality and individual privacy as an unconditional right.

Effective Communications

The City is striving to create an organization where employees are well informed and understand the underlying philosophy that drives the City of Ithaca's operations. The goal is to have a City that solves problems, shares information, works collaboratively, improves the City's performance and supports the City's Vision, Mission and Values.

Employees expect consistency and timeliness of shared information, the use of proper communication tools, and participation in learning sessions.

Leadership Accountability and Enforcement

Ultimate accountability for compliance and enforcement lies with the senior leadership and legislative body. Senior leadership and legislators have the added responsibility for demonstrating, through their actions, the importance of these standards of conduct. Senior leadership is also governed by a set of rules developed to specifically assist them in upholding these standards.

Leadership must be responsible for promptly addressing actions that violate the City of Ithaca Standards of Conduct. Leadership will be held accountable for exhibiting and enforcing expected behaviors in the performance of our jobs.

Reporting of Violations

If you witness a violation of these standards, you may do any of the following: (1) address the situation directly with the co-worker, (2) report it to your supervisor or any departmental senior staff person, (3) report it to a representative in the Human Resources Department, or (4) complete an Unacceptable Behavior Incident Report Form (available from any administrative support staff or Human Resources).

In order to make the work environment better for all employees, each of us must act as a steward of these Standards of Conduct.

Standards of Conduct for City of Ithaca Employees
Page 4

Adopted by Common Council on December 3, 2008

Related Policies:

- Sexual Harassment
- E-Mail
- No-Smoking
- Vehicle Usage
- Alcohol and Drug Abuse
- DPW Work Rules and Regulations
- IPD Rules and Regulations
- IFD Policies and Procedures
- City of Ithaca Code of Ethics
- Workplace Violence Prevention
- City of Ithaca Communications Plan

Transgender and Gender Non-conforming Employment Policy

Statement of Policy

The City of Ithaca is committed to maintaining a work environment in which all individuals are treated with respect and dignity, and all individuals feel welcome and included. This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees, and clarifies how relevant laws and related policies should be applied in situations where questions may arise about how to protect the legal rights, workplace inclusion, and safety of such employees. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the acceptance, support, safety, comfort, and full workplace inclusion of transgender or gender non-conforming employees in the same manner as all City employees.

Both the State of New York and the City of Ithaca expressly prohibit discrimination on the basis of sex, sexual orientation, gender identity and gender expression. Complaints regarding alleged discrimination or harassment on these bases may be filed in accordance with the City of Ithaca Anti-Discrimination and Anti-Harassment Policy.

Definitions

The definitions provided here are not intended to label employees but rather to assist in understanding this policy and our obligations as an employer, as supervisors, and as co-workers. Employees may or may not use these terms to describe themselves.

Gender identity: A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.

Gender expression: An individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.

Transgender: An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth.

- A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
- A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).
- Some people described by this definition don't consider themselves transgender; they may use other words, or may identify simply as a man or woman. A person does not need to identify as transgender in order for the City's non-discrimination policies to apply to them.

Gender non-conforming: This term describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.

Transition: The process of changing one's gender from the sex assigned at birth to one's gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include "coming out" (telling family, friends, and coworkers); changing the name and/or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and/or surgery.

Sexual orientation: A person's physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.

LGBTQ: A common abbreviation that refers to the lesbian, gay, bisexual, transgender, and queer (or questioning) community.

EVERYONE HAS A . . .

Sex Assigned at Birth
Gender Identity
Gender Expression
Sexual Orientation

Specific Policies

Privacy

Transgender and gender non-conforming employees have the right to discuss their gender identity or expression openly, or to keep that information private. Transgender and gender non-conforming employees get to decide when, with whom, and how much of their private information they will share. Certain information about an employee's transgender status or gender non-conforming presentation (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws such as the Health Insurance Portability and Accountability Act (HIPAA).

Managers, supervisors, coworkers, and human resources staff should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with the transgender or gender non-conforming employee's consent and with coworkers who truly need to know such information to do their jobs.

Official Records

The City of Ithaca will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. Most records, however, can be changed to reflect a person's preferred name without proof of a legal name change.

A transgender or gender non-conforming employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. Official records will also be changed to reflect an employee's new name and gender upon the employee's request.

As quickly as possible, we will make every effort to update a transitioning employee's City ID card, as well as any photographs at the transitioning employee's workplace, so that the transitioning employee's gender identity and expression are represented accurately.

If a new or transitioning employee has questions about their employment records or City ID, the employee should contact the Human Resources Department.

Names/Pronouns

An employee has the right to be addressed by the name and pronoun that correspond to the employee's gender identity, upon request. A court-ordered name or gender change is not required. No employee shall intentionally or persistently refuse to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity). If you are unsure what pronoun a transitioning coworker might prefer, you can politely ask your coworker how they would like to be addressed.

Transitioning on the Job

Employees who transition on the job can expect the support of their department heads, supervisors, and Human Resources staff. We genuinely hope that they will receive the support of their co-workers and union representatives as well.

The Human Resources Department will work with each transitioning employee individually to ensure a successful workplace transition. Individualized workplace transition plans will be created for each transitioning employee, in accordance with the employee's wishes. A general outline of a workplace transition plan is attached to this policy as a guide so that employees and supervisors will have an idea what to expect.

Department heads and supervisors are responsible for ensuring the respectful acceptance of the employee's transition within the work environment. Department heads and supervisors will also play key roles in implementing an employee's workplace transition, with their specific responsibilities outlined in the employee's workplace transition plan.

Restroom Accessibility

Employees shall have access to the restroom corresponding to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, shall be required to use such a restroom.

All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. That is, transgender women shall be permitted to use the women's restroom, and transgender men shall be permitted to use the men's restroom. The decision as to which restroom is the most appropriate and safest option for a transgender or gender non-conforming employee shall be left to the employee.

Some employees - regardless of gender identity or gender expression - may desire additional privacy. Where possible, the City will make available unisex single-stall restrooms that can be used by any

employee who desires increased privacy, regardless of the underlying reason. For example, if an employee does not want to share a multi-person restroom with a transgender or gender non-conforming coworker, they can make use of this kind of option, if available. If single-stall restrooms are not available, the City will make signage available that permits multi-person restrooms to be temporarily converted into single-stall restrooms while in use by an employee desiring increased privacy.

Locker Room Accessibility

All employees have the right to use the locker room that corresponds to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity before or after other employees. Any alternative arrangement for a transgender or gender non-conforming employee will be provided in a way that allows the employee to keep their transgender status or gender non-conforming presentation confidential.

Dress Codes

The City of Ithaca's uniform policies and dress codes do not restrict employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with uniform policies and dress codes in a manner consistent with their gender identity or gender expression.

Health Insurance Benefits

The City of Ithaca's health insurance plan includes coverage for transition-related medical care.

Discrimination/Harassment

It is unlawful and violates the City of Ithaca's Anti-Discrimination and Anti-Harassment Policy to discriminate against an employee because of the employee's actual or perceived gender identity or expression. Additionally, it is also unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity discrimination in employment.

The City of Ithaca is committed to creating a safe and inclusive work environment for transgender and gender non-conforming employees. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources. Complaints regarding alleged discrimination or harassment based on gender identity or expression may be filed in accordance with the City of Ithaca Anti-Discrimination and Anti-Harassment Policy.

[Note: This policy reflects and incorporates the Transgender Law Center’s recommendations for transgender-inclusive workplaces. Additional information and resources may be found on the Transgender Law Center’s website at www.transgenderlawcenter.org.]

City of Ithaca Workplace Transition Plan [Sample]

Planning Phase:

1. When a transitioning employee is ready to notify the City of the employee's transition, the employee should select a first point of contact and make that individual aware of the employee's upcoming transition. The point of contact may be anyone with whom the employee feels comfortable sharing this information.
2. If the point of contact is not in the Human Resources (HR) Department, then the transitioning employee should be referred to HR. The Human Resources Department will provide the employee with a copy of the City's Transgender and Gender Non-conforming Employment Policy, identify an assigned contact person within the HR Department, and ensure the employee is aware that transition-related health care benefits are available.
3. The transitioning employee, the Human Resources liaison, and any additional people the transitioning employee wishes to include shall meet and discuss the transitioning employee's preferences for informing the transitioning employee's immediate supervisor and department head of the employee's transition. The transitioning employee may choose to be present or not be present at the meeting with supervisory and managerial staff.
4. A transition team shall be established to develop a workplace transition plan for the transitioning employee. The transition team shall include the employee, the Human Resources liaison, the employee's supervisor and/or department head or deputy, and any additional people the transitioning employee wishes to include. All members of the transition team should familiarize themselves with the City's Transgender and Gender Non-conforming Employment Policy and any other relevant resources that provide educational information about transgender issues.

The Workplace Transition Plan:

1. A workplace transition plan shall be developed by the transition team and shall address the following:
 - a. The date when the transition will formally occur in the work environment. This means the date on which the employee will change the employee's gender expression, name, and pronouns. The transitioning employee may choose to begin using the restroom and locker room associated with the employee's gender identity on this date as well. The transitioning employee will know best when this should occur, as the employee will be able to determine all relevant factors to be considered when choosing this date.
 - b. How, and in what format, the transitioning employee's co-workers will be made aware of the employee's transition. This includes whether there will be separate communications or meetings for the transitioning employee's immediate work group or shift and the larger department in which the employee works. It is up to the transitioning employee to decide whether the employee would like to make some co-workers aware of the employee's transition on a one-on-one basis before it is officially announced.
 - c. If the transitioning employee's department head is not a member of the transition team, the HR liaison will work with the department head to include the department head in the

workplace transition process. The department head shall be the one responsible for communicating the employee's transition to the department and for ensuring the respectful acceptance of the employee's transition within the work environment.

- d. What training will be given to the transitioning employee's co-workers and supervisory staff? Ideally, organization-wide training on transgender issues will be or have been provided in advance of the employee's transition, with additional training provided to those in the transitioning employee's immediate work environment if appropriate.
- e. What updates need to be made to the transitioning employee's records, who is responsible for making them, and when they will be made.
- f. Whether the employee will be requesting transition-related medical leave and the dates of the leave, if known. The HR liaison will be responsible for advising the transitioning employee as to what contractual benefits are available during the leave. Supervisory staff on the transition team are responsible for planning for staff coverage during the transitioning employee's absence.
- g. Ensure that all name changes, ID cards or badges, and photographs are updated in advance so that they can go live on the transition day. This includes email addresses, computer logins, organizational charts and employee directories.

The Day the Transition Will Be Made Known to the Transitioning Employee's Department:

1. The transition team will meet with the transitioning employee's co-workers and all relevant departmental supervisory staff, including the department head. This may involve one meeting with the transitioning employee's entire department, or separate meetings for the employee's immediate work group or shift and the larger department in which the employee works. If the transitioning employee thinks it would be helpful, written information about transgender issues can be provided at the meeting(s), as well as information regarding online resources. It is up to the transitioning employee as to whether the employee feels comfortable attending the meeting(s) or would prefer not to be there.
2. The transitioning employee's department head should announce the transition. The department head should:
 - a. Emphasize the transitioning employee's importance in the department and the department and City's complete support of the employee's transition.
 - b. Review the City's Transgender and Gender Non-conforming Employment Policy and the City's Anti-Discrimination and Anti-Harassment Policy.
 - c. Indicate that the transitioning employee will be presenting themselves in accordance with their gender identity and this should be respected. The department head should also advise co-workers about the transitioning employee's new name and preferred pronoun.
 - d. Be a behavioral model by using the transitioning employee's new name and pronoun in all communication – written and oral, formal and informal.

- e. Make a point that the transition will not change the workplace and that everything should go on as it did previously.
- f. Solicit and encourage questions. Refer questions the department head cannot answer to HR. Advise employees of available informational resources and encourage employees to ask questions and educate themselves on transgender issues.
- g. If additional training is going to occur, the date(s) should be announced at this meeting (if known). If possible, the training should occur before the date of the employee's official workplace transition.

The Day Prior to the Employee's Transition Day:

The transitioning employee's supervisor should verify that all elements are in place, in the same way the supervisor would for a new hire or transferred employee. These elements include:

1. Making sure that the transitioning employee has a new ID badge and photo if necessary.
2. Making sure that the transitioning employee's email address and computer logins have been updated.
3. Making sure that the transitioning employee's name and photo have been updated on the department organizational chart.
4. Ensuring all work documents, including employee directories, website information, brochures and phone lists, have the appropriate name and gender.

The Employee's Official Workplace Transition Day:

The employee should be welcomed at work using the employee's chosen name and pronouns, and should be recognized as the gender with which the employee identifies.

WHISTLEBLOWER POLICY

Objective: This policy implements New York State Labor Law §740 and Civil Service Law §75-b.

Reference: Labor Law §740; Civil Service Law §75-b; Federal False Claims Act, 31 U.S.C. § 3729 *et seq.*; Chapter 55 “Code of Ethics,” City of Ithaca Code.

General Information: This policy is intended to support the reporting of illegal activities and to protect employees from retaliation who, in good faith, have reported a concern about improper governmental action. If the activities are not illegal, but violate the City’s Code of Ethics, an employee may report the violation as set forth in this policy.

I. Definitions:

Good-Faith Report - A report of activity that the City officer or employee has reasonable grounds to believe to be true and that the City officer or employee reasonably believes constitutes improper governmental action, even if the belief should later prove to be unsubstantiated.

Improper Governmental Action - Action taken, or threatened to be taken, directly or indirectly, by the City or any City officer or employee in the performance of his or her official duties that is in violation of any federal, state, or local law, rule, or regulation, whether or not such action is within the scope of his or her employment.

Employee - As defined in Chapter 55 of the City Code.

Relative - A parent, step-parent, spouse, spouse equivalent, domestic partner, sibling, step-sibling, sibling’s spouse, child, step-child, grandparent, parent of spouse or spouse equivalent or domestic partner; including in-laws and members of the employee’s household, and individuals having any of these relationships to the spouse of the employee.

Retaliation - Disciplinary or other adverse personnel action relating to the terms and conditions of employment taken against the employee, or relative of the employee, because the employee has made a good-faith report.

II. Policy:

- A. **Awareness of Improper Governmental Action.** Any employee of the City who becomes aware of improper governmental action by an employee of the City has a duty to report such conduct in the manner provided in Section III.
- B. **No Retaliation.** No officer or employee of the City shall take retaliatory action against an employee because the employee makes a good-faith report of any information regarding fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule, or regulation governing officers and employees of the City of Ithaca. Such retaliatory actions include, but are not limited to, discharge, discipline, personal attacks, harassment, intimidation, or change in job, salary, or responsibilities.
- C. **Confidentiality.** Reports of concerns will be kept confidential to the extent possible, consistent with the need to conduct a complete and fair investigation. Allowing for the making reports of

concerns to the employee's supervisor, department head and/or to the Director of Human Resources is intended, in part, to increase assurances of confidentiality and non-retaliation.

III. Procedure:

- A. In most cases, an employee's immediate supervisor is in the best position to address an area of concern; therefore, the employee should make the good faith report to his or her immediate supervisor. If however, the employee is not comfortable addressing the concern to the immediate supervisor, or the employee is not satisfied with the immediate supervisor's response, the employee should make the report to his or her department head. The department head should notify the Director of Human Resources. If the report concerns the department head or the employee is not comfortable taking the issue to his or her respective department head, the employee has the discretion to report directly to the Director of Human Resources.
- B. When in receipt of a good-faith report, the Director of Human Resources must notify the Mayor. The Mayor may designate a person or board to investigate, advise and/or respond to improper governmental action reports and inquiries.

Workplace Violence Prevention Policy

Purpose

The City of Ithaca is committed to providing a safe workplace environment for all employees. Acts or threats of violence including intimidation, harassment, and/or coercion, which involve or affect the City and/or its employees will not be tolerated. Similarly, acts or threats of violence including intimidation, harassment, and/or coercion will not be tolerated in City buildings or on City property. All employees are expected to conduct themselves in a manner that is consistent with this policy.

It is City policy that all employees have the right to work in an environment where the safety of each individual is paramount. For that reason, we expect all employees to accomplish their work in a businesslike manner with concern for the well-being of their co-workers. Workplace violence directed toward employees by fellow employees is not permitted, regardless of working relationships or supervisory status. Violation of these guidelines will result in corrective action up to and including termination of employment.

Definitions

DOMESTIC VIOLENCE is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior relationship. This could include people who are married, live together or date; or who have been married, lived together or dated.

INTIMIDATION is engaging in acts that include, but are not limited to, stalking or behavior intended to frighten, coerce, or induce duress.

PHYSICAL ATTACK is unwanted or hostile physical contact such as hitting, touching, fighting, pushing, shoving or throwing objects.

PROPERTY DAMAGE is intentional damage to property, and includes property owned by the City, employees, visitors or vendors.

RETALIATORY ACTION means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee through the terms and conditions of employment.

THREAT is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out, and without regard to whether the expression is contingent, conditional or future. Examples of conduct that constitute a threat include, but are not limited to:

- Hitting, pushing, kicking, tripping, shoving or engaging in any type of assault;
- Stalking another employee;
- Distributing “hate” literature or engaging in other communications that advocate violence;
- Any behavior that would qualify under the City’s Anti-Harassment Policy.

WEAPONS are defined as firearms, chemical sprays, clubs or batons, and knives (except pepper spray and legal folding pocket knives), and include any device, tool, chemical agent, or other implement capable of bodily harm if it is used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

WORKPLACE means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment.

WORKPLACE VIOLENCE includes, but is not limited to, intimidation, threats, subversive acts, physical attack, domestic violence or property damage and includes acts of violence committed by employees, clients, customers, relatives, acquaintances or strangers against employees in the workplace.

Goals and Objectives

The goals and objectives of this policy are as follows:

1. Reduce the potential for violence in and around the workplace;
2. Encourage and foster a work environment that is characterized by respect and healthy conflict resolution;
3. Mitigate the negative consequences for employees who experience or encounter violence while at work.

Prevention

It is the City's policy to ensure that all employees, including supervisors and managers, comply with work practices designed to make the workplace more secure, and that employees do not engage in verbal threats or physical actions which create a security hazard for others in the workplace. Elements of the policy include:

1. Evaluating workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides;
2. Developing and implementing a written workplace violence prevention program for City workplaces;
3. Informing employees, supervisors and department heads of the provisions of the City's workplace violence prevention program and making the same available, upon request, to City employees or their representatives;
4. Evaluating all employees' compliance with the City's security measures;
5. Recognizing employees who perform work practices that promote security in the workplace;
6. Providing training and/or counseling to employees whose compliance with work practices designed to ensure workplace security is deficient;

7. Establishing a Threat Assessment Team to investigate any workplace violations or allegations of workplace violations; and
8. Taking corrective action for failure to comply with workplace security practices.

Responsibilities of Managers, Supervisors and Employees

A. Managers and Supervisors

Managers and supervisors are responsible for assessing potentially violent situations, responding appropriately, and then communicating information regarding the situation to their department head, where appropriate, and to the Human Resources Department. Any report of violence will be evaluated immediately and confidentially by management. Appropriate action will be taken when it is determined that a City of Ithaca employee has committed an act of violence. Where issues of employee safety are a concern, managers and supervisors should evaluate the workplace and take appropriate steps to eliminate the potential for workplace violence. The Common Council and Mayor will hold managers and supervisors accountable for implementing and maintaining the City's workplace violence prevention program.

B. All Employees

The City requires employee participation in workplace violence prevention training and compliance with prohibited work behaviors outlined in the Workplace Violence Prevention Policy.

The City also requires employees to disclose felony convictions and guilty pleas. This information must be promptly and fully disclosed to Human Resources regardless of when or where the conviction or guilty plea was entered.

All individuals who apply for or obtain a protective or restraining order that lists City of Ithaca sites as being protected areas must provide their immediate supervisor and the Human Resources Department a copy of the order(s) to assist in eliminating any chance of harm to the employee or fellow employees at the workplace. The City of Ithaca understands the sensitivity of the information requested and will respect the privacy of the reporting employee(s).

C. Manager and Employee Resource

The City maintains an Employee Assistance Program (EAP), which provides assistance to employees. The City encourages employees who are experiencing life challenges and/or who are under stress to seek professional help before behaviors escalate, job performance is affected, and continued employment is at risk. <http://www.feinet.com/>.

Prohibited Behavior

The City will not tolerate any type of workplace violence committed by or against employees or City officials. Employees and City officials are prohibited from making or encouraging threats or engaging in violent activities. This list of behaviors, while not exhaustive, provides examples of prohibited conduct:

1. Employees of the City of Ithaca shall not engage in, encourage, or promote acts of harassment, intimidation, violence, threats, coercion, abusive and/or assaultive behavior toward any person while in the course and scope of employment.
2. Employees shall not engage in aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress or intimidation;
3. Employees shall not intentionally damage or threaten to damage City property or property of an employee.
4. Employees shall not carry weapons (except pepper spray and legal folding pocket knives) while engaged in City business, unless carrying a weapon is required by the job classification of the employee and there are specific policies and procedures which govern the use and/or display of a weapon by individuals in such job classification.

Employment Actions

Employees who carry a weapon which is not authorized per City policy, will be in violation of this policy and may be subject to personal civil liability and legal prosecution in the event of: accidental discharge or loss of the weapon; use, threat of use, or display of the weapon while engaged in City business; or violation of any law related to carrying a weapon while engaged in City business.

Any employee who threatens, harasses, or abuses someone at the workplace or from the workplace using any City resources such as work time, workplace phones, facsimile machines, mail, e-mail, or other means may be subject to corrective action, up to and including termination.

Workplace Violence Incident

In the event of a Workplace Violence Incident whereby an employee feels threatened by an individual or that imminent danger exists, the employee should call 911 and disengage from the individual if they are able. Where there is no imminent danger, employees should use verbal de-escalation techniques and/or notify their supervisor.

Reporting Requirements

- A. Any employee or employee representative who believes that a serious violation of this workplace violence policy exists shall bring such matter to the attention of a supervisor and the Human Resources Department and shall fill out the Workplace Violence Incident Report Form (Laserfiche) which is located on the Q drive in the HR Folder within 72 hours. The City shall have a reasonable opportunity to correct such activity, policy or practice. This requirement shall not apply where imminent danger or threat exists to the safety of an employee and the employee believes in good faith that reporting to a supervisor would not result in corrective action. In such cases, the employee should immediately call 911.
- B. If after bringing the matter to the attention of the employee's supervisor and the Department of Human Resources, and after a reasonable opportunity to take corrective action, the matter has not been resolved and the employee or employee representative still believes that a violation of this workplace violence policy remains, or that an imminent danger exists, the employee or representative may request an inspection of the workplace by giving notice to the Commissioner of Labor at the following address:

**New York State Department of Labor
Division of Safety and Health
Binghamton District Office
44 Hawley Street, 9th Floor
Binghamton NY 12091**

- C. Such notice and request shall be in writing (New York State Complaint Form PESH 7 is available in the Human Resources Office or on the web at <https://labor.ny.gov/formsdocs/wp/PESH7.pdf>), shall set forth with reasonable detail the grounds for the notice, and shall be signed by the employee or representative.
- D. A copy of the notice shall be provided by the Commissioner to the City or the person in charge no later than the time of inspection, except that upon the request of the person giving such notice, the person's name and the names of individual employees or representatives shall be withheld.
- E. Such inspection shall be made forthwith, pursuant to the regulations promulgated by the Department of Labor.

Retaliation

The City shall take no retaliatory action against any employee because the employee does any of the following:

- 1. Notifies their supervisor, the Human Resources Department, or the Department of Labor of a Workplace Violence Incident or of a violation of this policy;
- 2. Requests a workplace inspection by the Department of Labor as provided in this policy; or
- 3. Accompanies the Department of Labor representative on such an inspection of the workplace.

Related Laws and Policies

New York State Labor Law Section 27-b
New York State Civil Service Law Section 75-b
New York State Human Rights Law Article 15
Anti-Discrimination and Anti-Harassment Policy
Employee Standards of Conduct Policy

Adopted: April 2, 2008
Revised: June 27, 2017



FACE COVERINGS AND MASKS REQUIREMENTS

Category: Employee Health and Safety

Location: City Hall (Citywide)

Date Established: July 14, 2020

Date Revised:

SUMMARY

The City of Ithaca is committed to providing a safe and healthy work environment for all staff. In pursuit of this goal, the following procedure is provided to minimize occupational risks/illnesses derived from the novel Coronavirus (COVID-19). The City is determined to keep employees as well as the public as safe as possible while coping with this pandemic.

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1. APPLICABILITY

Wearing a mask or face covering (including neck gaiters) can help reduce the transmission of SARS-CoV-2, the virus responsible for COVID-19. Recent studies indicate that a significant portion of individuals with COVID-19 lack symptoms (asymptomatic) and that even those who eventually develop symptoms (pre-symptomatic) can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms. Consequently, a mask or cloth face covering is worn to reduce community spread of the disease.

Masks and Face Coverings are not Personal Protective Equipment (PPE). They are worn by a person to prevent community spread from an asymptomatic person.



FACE COVERINGS AND MASKS REQUIREMENTS

2. DEFINITIONS

Asymptomatic: A condition or a person presenting no symptoms of disease.

Pandemic: The spreading of a virus/disease prevalent over a whole country or the world.

Physical/Social Distancing: Maintaining a safe distance between yourself and other people who are not from your household. To practice social or physical distancing, stay at least 6 feet (about 2 arms' length) from other people who are not from your household in both indoor and outdoor spaces.

Personal Protective Equipment (PPE): Protective clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection while performing their job duties. Masks, face coverings and face shields are not Personal Protective Equipment (PPE). They are worn by a person to prevent community spread from an asymptomatic person.

3. REQUIREMENTS

Outdoors: All employees and visitors are required to have a mask or face covering readily available on their person (e.g., around neck) when on City property/jobs outdoors and must put on their mask or face covering when it is NOT feasible to maintain physical/social distancing measures of at least 6 feet.

Indoors: Anyone entering a building must put on a mask or face covering prior to entering building and to continue to wear mask or face covering in common areas such as elevators, lobby, bathrooms, when traveling around the building, and when working in shared spaces. Face coverings or masks can only be removed when alone in an office or other designated areas where social distancing guidelines may be adhered.

4. MEDICAL ACCOMMODATIONS

Employees unable to wear a mask or face covering due to a medical condition or other protected reason may submit a doctor's note stating so to Human Resources for a reasonable accommodation. Please contact the Employee Health and Safety Coordinator in Human Resources with any questions or concerns at 607-274-6412 (office in City Hall) or 607-882-5643 (City of Ithaca cell phone) or by appointment.



FACE COVERINGS AND MASKS REQUIREMENTS

5. PROCEDURES

5.1 Putting on and Taking off a Mask or Face Covering

- It is advisable to clean hands with soap and water or an alcohol-based hand sanitizer with at least 60% alcohol prior to putting on, touching, or removing your face covering.
- When taking off face covering use the ear loops, straps, or equivalent from behind the head to remove face covering; do not touch the front of the covering.

5.2 Care, Use, Reuse, and Conserve

- Use disposable coverings and masks until they become damaged, soiled, or wet. If a mask becomes damp from normal respiration, perspiration or from water, remove the mask and store in an uncontaminated area (e.g. paper bag, in belongings, or locker) to allow the mask to dry and then reuse when feasible.
- Use reusable coverings and masks until they become damaged, soiled, or wet.
- Damaged coverings should be disposed of.
- Personnel should have a backup covering or mask available.
- Reusable coverings should be routinely washed depending on the frequency of use. Standard washing practices and washing machine are satisfactory to properly wash a face covering.
- In the event that face coverings and masks may not be readily available in the supply chain, employees are required to conserve and reuse masks as feasible.

5.3 Coverings Provided by the City of Ithaca

- The City of Ithaca will provide face masks to employees. Face shields may also be available.
- In the event that an employee does not have a mask prior to their work hours, they will contact their supervisor to coordinate getting a mask.
- Employees may provide their own face coverings, masks, or neck gaiters if they meet the following requirements:
 - Fit snugly but comfortably against the side of the face
 - Be secured with ties, ear loops, or equivalent
 - Allow for breathing with minimal restriction
 - Be able to be laundered without damage or change to the shape
 - Does not have unfiltered exhaust valves

Face coverings should not create additional hazards to the users, e.g., restrictions to breathing or entanglement hazards.



FACE COVERINGS AND MASKS REQUIREMENTS

6. APPENDIX

APPENDIX A – Additional Safety Precautions

Wearing a face covering does not replace the need for social distancing or other efforts to slow the spread of the virus. In addition to wearing cloth face coverings, please remember:

- Employees are to avoid contact with those who are sick and stay home if they are sick. If they become sick at work, they must distance themselves from co-workers, contact their supervisor, and go home.
- Employees should frequently clean hands with soap and water or an alcohol-based hand sanitizer with at least 60% alcohol.
- Employees should avoid touching their eyes, nose, and mouth.
- Employees should practice good cough and sneeze etiquette; coughing into handkerchiefs or into their arm/clothing.
- Employees are advised to routinely disinfect high touch points, facilities, work areas, personal electronics, and shared equipment and spaces.
- For additional guidance, consult the Tompkins County website <https://tompkinscountyny.gov/health>

City of Ithaca Gifting and Solicitation Policy

Issues governed by this policy:

- Can the City of Ithaca accept donations/gifts of goods, services, or funds?
- Can City employees or officers solicit donations/gifts on behalf of the City?
- Can the City of Ithaca donate/gift goods, services, or funds?

The City is able to accept donations/gifts of goods, services, or funds.

Under New York State Law, the City of Ithaca is able to accept any type of donation/gift that it *chooses* to (i.e. art, equipment, professional services, funds, etc.). General City Law § 20(3). If goods, services, or funds are donated for a purpose that is limited to the purview of a single City department, then the donation may be accepted by the Mayor upon the advice of the City Attorney's Office. If the goods, services, or funds are donated for a purpose that would fall under the purview of multiple City departments, then the donation must be accepted through a resolution of Common Council that specifies how the donation will be allocated between departments. Acceptance by the Mayor or Common Council is not required when a private entity makes an unrestricted donation of funds to the City, a City department, or a City department's pre-existing program ("unrestricted funds").

When making a donation reasonably valued in excess of \$1,000, the donor should sign a simple statement prepared by the City Attorney's Office stating that they are irrevocably and unconditionally donating the goods, services, or funds to the City of Ithaca.

Properly accepted donations of: funds (whether unrestricted or not) must be transmitted to the City Chamberlain or a department's Fiscal Manager, and thereafter dispersed for expenditure only after above-required acceptance by the Mayor or the Common Council has been completed, if required; goods should be delivered to the City department that will be using or storing the goods; services should be coordinated with the appropriate City department head(s) or their designee(s).

City departments, employees, and officers are prohibited from soliciting donations/gifts on behalf of the City.

City departments, employees, and officers have no authority, and it is against public policy, to solicit donations/gifts on behalf of the City. However, a local civic organization/not-for-profit (often a "Friends" organization) is permitted to sponsor a fundraising campaign and the City may subsequently accept the proceeds from the fundraising activity as donations in accordance with the procedures on accepting donations outlined in Section 1 of this memorandum. Similarly, city departments that traditionally conduct fee-for-service events—predominantly if not exclusively youth services departments—may provide those events to the public and charge a reasonable fee for participation in the event. Additionally, the City's receipt from a non-City entity

(e.g., a store) of a gift of goods or services for which the City applied pursuant to that non-City entity's publicly-advertised or long-standing program inviting proposals/applications for donations offered by the non-City entity shall not constitute solicitation of donations/gifts by the City, and shall be permitted in accordance with the procedures on accepting donations outlined in Section 1 of this memorandum.

The Mayor, City officers, and senior staff are prohibited from serving on the board of or soliciting donations for any civic organization/not-for-profit formed for the primary purpose of collecting and donating goods, services, or funds to a City department, program, or fund (i.e. Friends of the Ithaca Youth Bureau, Friends of Stewart Park). All other city employees may serve on the board of local civic organizations/not-for-profits formed to support a City department, program, or fund and solicit donations for such entities as long as they do so in their private capacities, not during work hours or in a manner in which it may be reasonably perceived that they are acting in their official capacity as a City employee.

The City is prohibited from donating/gifting goods, services, or funds, unless doing so primarily serves a municipal purpose.

The City is prohibited by the New York State Constitution from giving or loaning money or property "to or in aid of any individual, or private corporation or association, or private undertaking." N.Y. Const. art. VIII, § 1. This prohibition includes the use of the City's or its departments names or logos, the loaning/borrowing of city vehicles, no matter how briefly, the disposition of surplus or unneeded City property, aiding, by way of funds, equipment, or staffing, of a not-for-profit's activities, and any other utilization of City services, equipment, or staff without fair and adequate compensation.

The City may provide goods, services, or funds to a private entity if doing so primarily serves a municipal purpose. An incidental private benefit will not invalidate an otherwise proper primary municipal purpose. In determining whether or not the disposition of City funds or property serves a public purpose, State courts defer to the judgment of a municipality's legislature. Therefore, any provision of goods, services, or funds to a private individual or organization which, absent a municipal purpose would constitute unlawful gifting, must be authorized for a valid municipal purpose by Common Council. Notwithstanding the preceding sentence, the provision to the public of *de minimis* items that a department head reasonably believes will promote a specific program of the City shall not constitute unlawful gifting (e.g., Human Resources giving out pens that encourage the public to apply for City jobs).

To ensure that the City does not violate New York State's prohibition on municipal gifting, the City Attorney's office should be consulted any time a department plans to dispose of surplus or unneeded City property. This prohibition does not include the disposal of City property through the trash, where no private party obtains a benefit beyond the cost of disposal. Furthermore, the disposition of surplus or unneeded City property by transferring it to another City department does not need to be reviewed by the City Attorney's Office. Before transferring City property from one department to another, the transferring department should confirm that the property will remain City property and is not being claimed for personal use.

The prohibition on municipal gifting extends to the use of the City's and its department's names and logos for anything other than a municipal purpose. City and department names and logos should only be used by City departments for City sponsored programs.

Note: Other applicable laws, regulations, and policies may additionally apply (e.g., the requirement that Council approve adjustments to revenue accounts after the City receives gifts).

Adopted: September 28, 2016.

City of Ithaca Children In the Workplace Policy

The City of Ithaca is committed to providing a safe and productive work environment for its employees and the public visiting City facilities. The City strives to be supportive of family values and work life balance. However, there are health, safety, environmental, and regulatory concerns that exist when considering the presence of children in the workplace. There are many imminent dangers for children and a great potential for accidents and incidents in which children either harm themselves or inadvertently create a hazard for others. Children can also interfere with productivity and distract from the professionalism of the work environment. Appropriate limitations and guidelines are required to protect health and safety and to maintain work productivity and regulatory compliance.

The workplace is typically not an appropriate place for children of employees. However, the City recognizes that employees may need to bring children to work for brief visits, specific City events, or family emergencies. In these cases, even with department or division head approval, the City is not responsible for ensuring the child is safe and well supervised. Parents or Guardians are fully responsible for the safety and supervision of the child for the entire visit.

Department or division heads may place additional restrictions on the presence of children in the workplace consistent with the work being performed and the demands of the work area.

Definitions

“Child” or **“children”** means a person or persons less than 16 years of age and not employed through our Youth Services departments.

“Employee” means any employee who has responsibility for a child, as defined above, while in the workplace regardless of the employee’s relationship to the child.

“High risk area” includes any area deemed high risk by the Employee Health and Safety Coordinator, or any area with hazardous materials.

Policy Statement

This policy addresses the factors to consider when allowing an employee to bring a child into the workplace. Circumstances in which employees want to bring children into the workplace generally fall into the following:

1. Brief visits (e.g., an employee brings his/her child, grandchild or other minor in to introduce that child to co-workers).
2. Specific City events that are employer-sanctioned (e.g., Bring Your Child to Work Day, department-approved ride-along).
3. In the event of the occasional emergency

Children are not to be brought to the workplace on a regular basis in lieu of childcare, and should not be present if they have a contagious illness.

Children are not allowed in high risk areas.

Responsibilities

Generally, an employee who brings a child into the workplace shall not leave the child unsupervised. Employees are responsible for verifying with their department/division head the circumstances under which children are allowed in their specific workplace. If management allows the occasional workplace visit of children to the workplace, both the employee responsible for the child and workplace management must accept certain responsibilities (listed below) to protect the welfare of the child and the integrity of the workplace.

An employee who brings a child to the workplace must:

- be the individual who supervises and cares for the child while in the workplace, maintaining line-of-sight supervision, children may not be left alone;
- prevent any breach of confidential information;
- accept full responsibility for all aspects of the child's behavior, including: safety of the child, disruption to co-workers, unauthorized or inappropriate use of City resources, and any damage to property or injury to persons.

Department/ Division Heads must:

- determine that hazards do not and are not likely to exist;
- address potential issues of possible disruption to co-workers in the workplace;
- consider the extent to which the child's presence in the workplace poses a risk of breaching confidentiality of information in the workplace;
- consider the extent to which the child's presence is appropriate to the specific work being accomplished.

Notwithstanding the exceptions provided by this policy, management has the authority to deny the presence of children in the workplace. Management may revoke previously granted permission for the employee to bring the child to the workplace.

Employees in need of assistance for childcare should contact the Employee Assistance Program at 1-800-638-3327.