

**ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
CIVIC DEVELOPMENT CORPORATION**

**MEETING AGENDA**

**\*Agenda subject to change\***

December 20, 2023

**Ernest J. LaBaff Industrial Building, 19 Commerce Lane, Suite 1, Canton, New York 13617**

Call to Order

Roll Call

Public Notice                      December 13, 2023

Public Comment

Approval of Minutes              October 24, 2023..... 1

Financial Report                  September and October 2023.....2-7

Report of Committee

Staff Report                        Patrick Kelly

Old Business                        None

New Business                      Resolution: Annual Review: Conflicts of Interest..... 8-10

Resolution: Annual Review: Procurement Policy ..... 11-13

Resolution: Annual Review: Investment Policy & Authorization of  
Depositories..... 14-19

Resolution: Annual Review: Harassment Prevention Policy ..... 20-34

Executive Session

Adjournment

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**ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
CIVIC DEVELOPMENT CORPORATION  
Meeting of October 24, 2023**

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**CALL TO ORDER:** Chairman Staples calls the meeting to order at 1:42 PM in the main conference room at the Ernest J. LaBaff Industrial Building, Canton.

**ROLL CALL:**

Staples .....	Present	McMahon.....	Absent
LaBaff.....	Present	Morrill.....	Absent
Blevins.....	Absent	Reagen .....	Present
Hall .....	Present		

A quorum is recognized.

IDA Staff present: Patrick Kelly, Kimberly Gilbert, and Richard Williams

**PUBLIC NOTICE:** Public notifications sent October 18, 2023, to, at a minimum: newspapers designated for the publication of local laws and other matters required by law to be published; additional local media sources and websites.

**PUBLIC COMMENT:** None

**APPROVAL OF MINUTES:** Motion to accept the minutes of the September 26, 2023 meeting by Mr. LaBaff, seconded by Mr. Reagan. Motion carried unanimously.

**FINANCIAL REPORTS:** August 2023: Ms. Gilbert refers to the summary of highlights sheet for the month and notes typical activity, interest income, retainer, 2022 audit, and Directors & Officers insurance expenditures are noted. Mr. LaBaff motions to accept the August 2023 financials, seconded by Mr. Reagan. Motion carried unanimously.

**COMMITTEE REPORTS:** None

**STAFF REPORT:** None

**NEW BUSINESS:**

**Resolution CDC-23-10-09: Accepting FY2024 Final Budget:** There are no changes to the final budget from the draft budget. Mr. LaBaff motions to accept the Final Budget, seconded by Mr. Hall. Motion is approved by unanimous vote.

**OLD BUSINESS:** None

**ADJOURNMENT:** A motion to adjourn is made by Mr. LaBaff, seconded by Mr. Hall. The meeting adjourns at 1:44 PM by unanimous vote.

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Mr. Ernest LaBaff, Secretary

St. Lawrence County Industrial Development Agency  
Civic Development Corporation  
Highlights  
**September 2023**

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Revenue

- Interest Income	<u>168.06</u>	\$168.06
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Expenses

- Legal Expense (Cyber Security)	<u>28.21</u>	\$28.21
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Net Income		\$139.85
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**St. Lawrence County IDA Civic Development Corp.**  
**Balance Sheet**

As of September 30, 2023

Sept 30, 23

<b>ASSETS</b>	
Current Assets	
Checking/Savings	
200 - Checking Account	
200-A - NBT - Checking	1,586.88
200-B - Key Bank	7,416.86
200-C - Community Bank	12,008.30
Total 200 - Checking Account	21,012.04
201 - CivicDevFund - Restricted	
201-A - NBT - Civic Dev Fund	15,514.24
201-C - Community Bank Civic Dev Fund	10,001.87
Total 201 - CivicDevFund - Restricted	25,516.11
Total Checking/Savings	46,528.15
Total Current Assets	46,528.15
Other Assets	
408 - N/R - Cornell Coop Ext 2023	19,995.64
402 - N/R - Fire Training Facility	9,736.09
408 - N/R - CornerII Coop Ext 2023	500,000.00
Total Other Assets	529,731.73
<b>TOTAL ASSETS</b>	<b>576,259.88</b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Unrestricted	615,179.48
Unrestricted - Board Designated	-22,597.49
Net Income	-16,322.11
Total Equity	576,259.88
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>576,259.88</b>

St. Lawrence County IDA Civic Development Corporation  
 Budget Report  
 Sept 1 - Sept 30, 2023

	2023 Budget	Sep-23	YTD	Balance
<b>Income</b>				
2400 · Late Payment Fee Received	25.00	0.00	0.00	25.00
2409B · Interest Income - Banking	200.00	4.59	44.18	155.82
2409L · Interest Income - Loans	3,500.00	163.47	559.42	2,940.58
2415 · Project/Bond Fees	100.00	0.00	0.00	100.00
	3,825.00	168.06	603.60	3,221.40
<b>Expenditures</b>				
6460411 · Insurance Expense	600.00	0.00	653.60	(53.60)
6460420 · Office Supplies Expense	0.00	0.00	0.00	0.00
6460433 · Legal Expense	500.00	28.21	5,061.15	(4,561.15)
6460434 · Accounting Expense	4,075.00	0.00	4,228.00	(153.00)
6460450 · Project Development Expense	50.00	0.00	0.00	50.00
6460499 · Miscellaneous Expense	250.00	0.00	175.00	75.00
6460503 · Salary Stipend Expense	5,812.00	0.00	6,807.96	(995.96)
<b>Total IDA CDC Operating Expenditures</b>	11,287.00	28.21	16,925.71	(5,638.71)
<b>Total Revenue</b>	3,825.00	168.06	603.60	3,221.40
<b>Total Expenditures</b>	11,287.00	28.21	16,925.71	(5,638.71)
<b>Net Income</b>	(7,462.00)	139.85	(16,322.11)	8,860.11

St. Lawrence County Industrial Development Agency  
Civic Development Corporation  
Highlights  
**October 2023**

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Revenue

- Interest Income	4.59	\$4.59
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Expenses

- Legal Expense (Cyber Security)	153.21	\$153.21
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Net Income	(\$148.62)
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**St. Lawrence County IDA Civic Development Corp.**  
**Balance Sheet**

As of September 30, 2023

Oct 31, 23

<b>ASSETS</b>	
Current Assets	
Checking/Savings	
200 - Checking Account	
200-A - NBT - Checking	1,586.88
200-B - Key Bank	7,419.30
200-C - Community Bank	12,010.16
<b>Total 200 - Checking Account</b>	<b>21,016.34</b>
201 - CivicDevFund - Restricted	
201-A - NBT - Civic Dev Fund	15,361.32
201-C - Community Bank Civic Dev Fund	10,001.87
<b>Total 201 - CivicDevFund - Restricted</b>	<b>25,363.19</b>
<b>Total Checking/Savings</b>	<b>46,379.53</b>
<b>Total Current Assets</b>	<b>46,379.53</b>
Other Assets	
408 - N/R - Cornell Coop Ext 2023	19,995.64
402 - N/R - Fire Training Facility	9,736.09
408 - N/R - CornerII Coop Ext 2023	500,000.00
<b>Total Other Assets</b>	<b>529,731.73</b>
<b>TOTAL ASSETS</b>	<b><u>576,111.26</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Unrestricted	615,179.48
Unrestricted - Board Designated	-22,597.49
Net Income	-16,470.73
<b>Total Equity</b>	<b>576,111.26</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>576,111.26</u></b>



St. Lawrence County IDA Civic Development Corporation  
 Budget Report  
 Oct 1 - Oct 31, 2023

	2023 Budget	Oct-23	YTD	Balance
<b>Income</b>				
2400 · Late Payment Fee Received	25.00	0.00	0.00	25.00
2409B · Interest Income - Banking	200.00	4.59	48.77	151.23
2409L · Interest Income - Loans	3,500.00	0.00	559.42	2,940.58
2415 · Project/Bond Fees	100.00	0.00	0.00	100.00
	3,825.00	4.59	608.19	3,216.81
<b>Expenditures</b>				
6460411 · Insurance Expense	600.00	0.00	653.60	(53.60)
6460420 · Office Supplies Expense	0.00	0.00	0.00	0.00
6460433 · Legal Expense	500.00	153.21	5,214.36	(4,714.36)
6460434 · Accounting Expense	4,075.00	0.00	4,228.00	(153.00)
6460450 · Project Development Expense	50.00	0.00	0.00	50.00
6460499 · Miscellaneous Expense	250.00	0.00	175.00	75.00
6460503 · Salary Stipend Expense	5,812.00	0.00	6,807.96	(995.96)
<b>Total IDA CDC Operating Expenditures</b>	11,287.00	153.21	17,078.92	(5,791.92)
<b>Total Revenue</b>	3,825.00	4.59	608.19	3,216.81
<b>Total Expenditures</b>	11,287.00	153.21	17,078.92	(5,791.92)
<b>Net Income</b>	(7,462.00)	(148.62)	(16,470.73)	9,008.73

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
CIVIC DEVELOPMENT CORPORATION

Resolution No. CDC-23-12-xx

Governance Committee Review: December 20, 2023

December 20, 2023

**ANNUAL REVIEW OF THE CONFLICTS OF INTEREST POLICY**

**WHEREAS**, members of the Board and employees of the St. Lawrence County Industrial Development Agency Civic Development Corporation (the “Authority”) are bound by the provisions of, among others, Public Authorities Law and Public Officers Law, and

**WHEREAS**, the Authority must protect its interests when contemplating entering into a transaction or arrangement that may benefit the private interests of an officer, director or employee of the Authority, and

**WHEREAS**, the Authority recognizes that it must not only comply with Ethics law, but it must maintain the public perception of compliance, in order to maintain and enforce the highest standards of integrity and fairness in all of its internal and external business dealings,

**NOW, THEREFORE BE IT RESOLVED** that the St. Lawrence County Industrial Development Agency Civic Development Corporation hereby adopts the attached Conflicts of Interest Policy

Move:				
Second:				
<b>VOTE</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Blevins				
Hall				
LaBaff				
McMahon				
Morrill				
Reagen				
Staples				

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

/s/

Lori Sibley

December 20, 2023

**ST. LAWRENCE CO. INDUSTRIAL DEVELOPMENT AGENCY CIVIC DEVELOPMENT CORPORATION**  
**CONFLICTS OF INTEREST POLICY**  
**RESOLUTION NO. CDC-23-12-XX**  
**GOVERNANCE COMMITTEE REVIEW: DECEMBER 20, 2023**  
**DECEMBER 20, 2023**

**Article 1. Background**

The purpose of the conflicts of interest policy is to protect the interests of the St. Lawrence County Industrial Development Agency Civic Development Corporation (hereinafter, the “Authority”) when it is contemplating entering into a transaction or arrangement that may benefit the private interests of an officer, director or employee of the Authority. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

**Article 2. Definition**

A conflict of interest will be deemed to exist whenever an individual is in the position to approve or influence Authority policies or actions which involve or could ultimately harm or benefit financially: (a) the individual; (b) any family member (spouse, domestic partner, grandparents, parents, children, grandchildren, great grandchildren, brothers or sisters (whether whole or half blood, or step relationship), and spouses of these individuals); or (c) any organization in which he or a family member is a director, trustee, officer, member, partner of more than 10% of the total (combined) voting power. Service on the board of another not-for-profit corporation does not constitute a conflict of interest.

**Article 3. Disclosure of Conflicts of Interest**

A Director, officer or employee shall disclose a conflict of interest: (a) prior to voting on or otherwise discharging his duties with respect to any matter involving the conflict which comes before the Board or any committee; (b) prior to entering into any contract or transaction involving the conflict; (c) as soon as possible after the Director, officer or employee learns of the conflict; and (d) on the annual conflict of interest disclosure form.

The Secretary of the Authority shall cause to be distributed annually to all Directors, officers and employees, a form soliciting the disclosure of all conflicts of interest, including specific information concerning the terms of any contract or transaction with the Authority and whether the process for approval set forth in this policy was used. Such disclosure form may require disclosure of other relationships that may not constitute an actual conflict of interest, but which are required to be disclosed in order for the Authority to comply with its annual reporting requirements.

**Article 4. Approval of Contracts and Transactions Involving Potential Conflicts of Interest**

A Director or officer [or employee] who has or learns about a potential conflict of interest should disclose promptly to the Secretary [Chief Executive Officer] of the Authority the material facts surrounding any potential conflict of interest, including specific information concerning the terms of any contract or transaction with the Authority. All effort should be made to disclose any such contract or transaction and have it approved by the Board before the arrangement is entered.

Following receipt of information concerning a contract or transaction involving a potential conflict of interest, the Board shall consider the material facts concerning the proposed contract or transaction, including the process by which the decision was made to recommend entering into the arrangement on the terms proposed. The Board shall approve only those contracts or transactions in which the terms are fair and reasonable to the Authority and the arrangements are consistent with the best interests of the Authority. Fairness includes, but is not limited to, the concepts that the Authority should pay no more than fair market value for any goods or services which the Authority receives and that the Authority should receive fair market value consideration for any goods or services that it furnishes others. The Board shall set forth the basis for its decision with respect to approval of contracts or transactions involving conflicts of interest in the minutes of the meeting at which the decision is made, including the basis for determining that the consideration to be paid is fair to the Authority.

**Article 5. Validity of Actions**

No contract or other transaction between the Authority and one or more of its Directors, officers or employees, or between the Authority and any other corporation, firm, association or other entity in which one or more of its Directors, officers or employees are directors, officers or employees, or have a substantial financial interest, shall be either void or voidable for this reason alone or by reason alone that such Director or Directors, officer or officers, or employee or employees are present at the meeting of the Board of Directors, or of a committee thereof, which authorizes such contract or transaction, or that his or their votes are counted for such purpose, if the material facts as to such Director's, officer's or employee's interest in such contract or transaction and as to any such common directorship, officership or financial interest are disclosed in good faith or known to the Board or committee, and the Board or committee authorizes such contract or transaction by a vote sufficient for such purpose without counting the vote or votes of such interested Director or officers. Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or committee which authorizes such contract or transaction. At the time of the discussion and decision concerning the authorization of such contract or transaction, the interested Director, officer or employee should not be present at the meeting.

**Article 6. Penalties:**

Any director or employee that fails to comply with this policy may be penalized by the Authority in the manner provided for in law, rules or regulations of the State of New York.



**ST. LAWRENCE CO. IDA CIVIC DEVELOPMENT CORPORATION**  
**PROCUREMENT POLICY**  
**RESOLUTION NO. CDC-23-12-XX (DECEMBER 20, 2023)**

A. Introduction

1. Scope: In accordance with Article 18-A of the General Municipal Law (the “IDA Act”), Section 104b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, the St. Lawrence County IDA Civic Development Corporation, (hereinafter “Local Authority”) is required to adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of §103 of the GML and paid for by a Local Authority for its own use and account.
2. Purpose: Pursuant to §104b of the GML, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of a political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.
3. The designated Contracting Officer (“CO”) shall be the Chief Executive Officer or his or her designed for specific projects.
4. Any and all previously-approved Procurement policies of the Local Authority are hereby rescinded.

B. Procurement Policy

1. Items purchased in conjunction with St. Lawrence County purchasing procedures, including New York State contract pricing, shall meet Local Authority requirements.
2. Goods and services purchased from any Local, State or Federal government entity or any Agency/Authority thereof, qualify as meeting Local Authority requirements.
3. The Local Authority shall adhere to the following methods of competition for non-bid procurements:

Purchase Contracts	Requirements
Under <b>\$5,000</b>	Contracting Officer Approval
<b>\$5,001 - \$15,000</b>	3 Written Quotes
<b>\$15,001 or more</b>	See Reference Notes A & B
Emergencies	See Reference Notes C
Insurance	See Reference Notes D
Professional Services	See Reference Notes E

Reference Notes:

- A: All purchases of over \$15,000 require advertised request for proposals.
- B: All expenditures over \$15,000 require Local Authority approval even if a budget line item has been previously adopted for such expenditure.
- C: Even in the case of an emergency, public interest dictates that purchases are made at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise to the extent practicable under the circumstance. Documentation must be made showing the method and extent of competition.

Emergency provisions (goods and services) can be an exception to the RFP and competitive process if they must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the Local Authority.

- D: Insurance coverage is not subject to formal competitive bidding. Requests for Proposals, written or verbal quotations can serve as documentation of the process.
- E: Professional Services involve specialized expertise, use of professional judgment, and/or a high degree of creativity. They are not purchase contracts or contracts for public work, as those phrases are used in the bidding statutes, and therefore are not subject to the competitive bidding procedures. The individual or company may be chosen based on qualifications to include, but not limited to, reliability, skill, education and training, experience, demonstrated effectiveness, judgment and integrity. These qualifications are not necessarily found in the individual or company that offers the lowest price.

Professional or technical services shall include but not be limited to the following:

- Accounting (CPA)
- Architectural / Design Services
- Customized Software Programming Services
- Consultants
- Engineering
- Instructors / Teachers / Training
- Insurance Coverage and/or Insurance Broker
- Investment Management Services
- Laboratory Testing
- Legal
- Medical / Dental Services

Contracts for professional services are made in the best interest of the Local Authority, utilizing Requests for Quotations (RFQ), Requests for Proposals (RFP) or other competitive process. The process may consider inclusive factors such as price, staffing and suitability for needs, reliability, skill, education and training, experience, demonstrated effectiveness, judgment and integrity, and must include negotiations on a fair and equal basis.

- 4. The Local Authority shall capitalize all purchases in excess of \$5,000

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
 CIVIC DEVELOPMENT CORPORATION  
 Resolution No: CDC-23-12-xx  
 December 20, 2023

**ANNUAL REVIEW OF THE INVESTMENT POLICY  
 AND AUTHORIZATION OF DEPOSITORIES**

**WHEREAS**, pursuant to Title VII of New York State Public Authority Law, the St. Lawrence County Industrial Development Agency Civic Development Corporation (the “Corporation”) has established comprehensive investment guidelines (the “Investment Policy”) which detail the Corporation’s operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the Corporation and which create a reasonable rate of return to the Corporation in accordance with sound investment practices, and

**WHEREAS**, pursuant to the Investment Policy, the Corporation “shall maintain a list of financial institutions and dealers approved for investment purposes ....” and

**WHEREAS**, pursuant to the Investment Policy, the Corporation must designate “the banks and trust companies authorized for the deposit of moneys up to the maximum amounts” included as Appendix A of the Investment Policy, and

**WHEREAS**, the Corporation must, on an annual basis, review and adopt its Investment Policy,

**NOW, THEREFORE BE IT RESOLVED**, the Board, after having reviewed the aforementioned documents, authorizes said policy (attached).

Move:				
Second:				
<b>VOTE</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Blevins				
Hall				
LaBaff				
McMahon				
Morrill				
Reagen				
Staples				

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

/s/ \_\_\_\_\_  
 Lori Sibley  
 December 20, 2023



**ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY CIVIC DEVELOPMENT CORPORATION**  
**INVESTMENT POLICY**  
**REVIEWED AND APPROVED DECEMBER 20, 2023**  
**RESOLUTION No. CDC-23-12-XX**

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual. This policy shall be reviewed, in its entirety, on an annual basis. Any and all previously-approved Investment policies of the St. Lawrence County Industrial Development Agency Civic Development Corporation are hereby rescinded.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- To conform with all applicable Federal, State and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Chief Executive Officer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the St. Lawrence County Industrial Development Agency Civic Development Corporation (hereinafter Corporation) to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Corporation to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling. Should funds exceed FDIC coverage at a specific financial institution, monies will be diversified and not more than 60% of the Corporation's total investments will be in any one institution.

VI. INTERNAL CONTROLS

It is the policy of the Corporation for all moneys collected by any officer or employee of the government to transfer those funds to the Chief Financial Officer within three (3) business days of deposit.

The Chief Financial Officer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and

investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORY

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are listed in Appendix A.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of the Corporation, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix B to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Corporation or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the Corporation authorizes the Chief Executive Officer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit amounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Corporation;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agency where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML §109-b;
- Obligations of this local government, by only with any moneys in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.
- Certificates of Deposit obtained through a depository institution that has a main office or branch office in the State of New York and that contractually agrees to place the funds in federally insured depository institutions through a qualified Reciprocal Deposit program such as the Certificate of Deposit Account Registry Service, or CDARS.
- Savings and/or demand deposit accounts placed through a depository institution that has a main office or branch office in the State of New York and that contractually agrees to place the funds in federally insured depository institutions through a qualified Reciprocal Deposit program such as the savings option of the Insured Cash Sweep service, or ICS.

All investment obligations shall be payable or redeemable at the option of the Corporation within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Corporation within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Corporation shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. No more than 60% of the Corporation's total investments may be in any one institution. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Corporation. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Chief Financial Officer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. The approved depositories are also authorized to act as agents for investment activities for the Corporation subject to the guidelines set forth in this Investment Policy, said list of depositories is included as Appendix A.

XII. PURCHASE OF INVESTMENTS

The Chief Executive Officer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.

2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Corporation by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

### XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

**APPENDIX A**  
**Authorized Depositories**

Depositories Authorized by the St. Lawrence County Industrial Development Agency Civic Development Corporation

- Community Bank, NA
  - Upstate National Bank
  - NBT Bank
  - Key Bank, NA
- 

**APPENDIX B**  
**Schedule of Eligible Securities**

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government-sponsored corporation.
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.
- (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of insurance or guaranty.
- (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (ix) Any mortgage-related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of no longer than 60 days from the date they are pledged.
- (xi) Zero coupon obligations of the United States government marketed as "Treasury Strips."

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
 CIVIC DEVELOPMENT CORPORATION  
 Resolution No. CDC-23-12-xx  
 Governance Review: December 20, 2023  
 December 20, 2023

**ANNUAL REVIEW OF SEXUAL HARASSMENT POLICY**

**WHEREAS**, the St. Lawrence County Industrial Development Agency – Civic Development Corporation (the “Corporation”) is committed to maintaining a workplace free from sexual harassment, and

**WHEREAS**, new State mandates concerning sexual harassment prevention and training were recently made available as guidance, and

**WHEREAS**, a policy outlining the prevention of sexual harassment of its employees is not only an important policy to be implemented by the Corporation but is also a requirement by law,

**NOW, THEREFORE, BE IT RESOLVED** that the St. Lawrence County Industrial Development Agency Civic Development Corporation’s Governance Committee, having reviewed the Sexual Harassment Policy, does hereby authorize the policy and recommends acceptance by the Agency Board, the Policy and Complaint Form, as attached.

Move:				
Second:				
<b>VOTE</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Blevins				
Hall				
LaBaff				
McMahon				
Morrill				
Reagen				
Staples				

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

*/s/*  
 \_\_\_\_\_  
 Lori Sibley  
 December 20, 2023



Policy Guidance:

# Sexual Harassment Policy

Original Policy (Date): October 1, 2010

Revised (Date): October 5, 2018

Annual Review – Governance Committee: October 28, 2022

## Introduction

The St. Lawrence County Industrial Development Agency - Civic Development Corporation is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects employees to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the St. Lawrence County IDA recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities is the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, manager, and supervisors are required to work in a manner designated to prevent sexual harassment and discrimination in the workplace. This policy is one component of the St. Lawrence County Industrial Development Agency - Civic Development Corporation's commitment to a discrimination-free work environment. ~~All employees are required to work in a manner that prevents sexual harassment in the workplace.~~

## Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the St. Lawrence County Industrial Development Agency - Civic Development Corporation. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit: <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

## Policy Guidance:

1. The St. Lawrence County Industrial Development Agency - Civic Development Corporation's policy applies to all employees, applicants for employment, interns, whether paid or unpaid., ~~contractors and persons conducting business, regardless of immigration status, with the St. Lawrence County Industrial Development Agency—Civic Development Corporation.~~ The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the St. Lawrence County Industrial Development Agency - Civic Development Corporation. ~~In the remainder of this document, the term “employees” refers to this collective group.~~ For the remainder of this policy, the term “covered individual” refers to these individuals who are not direct employees of the company.
2. Sexual harassment will not be tolerated. Any employee or covered individual ~~covered by this policy~~ who engages in sexual harassment, discrimination or retaliation will be subject to remedial and/or disciplinary action, including appropriate discipline for employees. ~~(e.g., counseling, suspension, termination).~~ In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited: Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. ~~No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint.~~ No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. ~~The St. Lawrence County Industrial Development Agency—Civic Development Corporation will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment.~~ Any employee of the St. Lawrence County Industrial Development Agency - Civic Development Corporation who retaliates against anyone involved in a sexual harassment or discrimination investigation will be subjected to disciplinary action, up to and including termination. All employees and covered individuals, paid or unpaid interns, or ~~non-employees~~<sup>†</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Workforce Development Specialist. All employees and covered employees paid or unpaid interns or non- who



believe they have been a target of such retaliation may also seek relief ~~in other available forums,~~ from government agencies, as explained below in the section on Legal Protections.

4. **Discrimination of any kind**, including sexual harassment, ~~is offensive~~ is a violation of our policies, is unlawful, and may subject the St. Lawrence County Industrial Development Agency - Civic Development Corporation to liability for harm **experienced by** targets of **discrimination** ~~sexual harassment~~. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for **aiding and abetting such behavior**. Employees ~~of~~ **at** every level who engage in ~~sexual harassment~~ **or discrimination**, including managers and supervisors who engage in ~~sexual harassment~~ **or discrimination** or who allow such behavior to continue, will be penalized for such misconduct.
5. The St. Lawrence County Industrial Development Agency - Civic Development Corporation will conduct a prompt and thorough investigation ~~that ensures due process for~~ that is fair to all parties. **An investigation will happen** whenever management receives a complaint about sexual harassment **or discrimination**, or **when it** otherwise knows of possible **discrimination or** sexual harassment occurring. The St. Lawrence County Industrial Development Agency - Civic Development Corporation will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the St. Lawrence County Industrial Development Agency - Civic Development Corporation will act as required. In addition to any required discipline, the St. Lawrence County Industrial Development Agency - Civic Development Corporation will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. ~~Effective corrective action will be taken whenever sexual harassment is found to have occurred.~~ All employees, including managers and supervisors, are required to cooperate with any internal investigation of **discrimination or** sexual harassment.
6. All employees **and covered individuals** are encouraged to report any harassment or behaviors that violate this policy. The St. Lawrence County Industrial Development Agency - Civic Development Corporation will provide all employees a complaint form for employees to report harassment and file complaints. **Use of this form is not required.** For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. **Complaints may be made to both the employer and a government agency.**

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Workforce Development Specialist.

7. This policy applies to all employees ~~paid or unpaid interns,~~ and ~~non-employees~~ **covered individuals**, such as contractors, subcontractors, vendors, consultants, or anyone **providing services in the workplace**, and all must follow and uphold this policy. **This**

policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network. ~~and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.~~

## What Is "Sexual Harassment"?

Sexual harassment is a form of ~~sex~~ gender-based discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male and female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that arises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the St. Lawrence County Industrial Development Agency - Civic Development Corporation's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature, ~~or which is directed at an individual because of that individual's sex~~ when:

- ~~Such conduct has~~ The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. ~~even if the reporting individual is~~ The impacted person does not need to be ~~not~~ the intended target of the sexual harassment;

- Employment depends implicitly or explicitly on accepting such unwelcome behavior; ~~Such conduct is made either explicitly or implicitly a term or condition of employment;~~ or
- **Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.** ~~Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.~~

There are two main types of sexual harassment:

A sexually harassing **Behaviors that contribute to a hostile work environment** includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, **gender identity, or gender expression**. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory **or discriminatory** statements ~~or sexually discriminatory remarks made by someone~~ **which an employee finds** are offensive or objectionable ~~to the recipient, which causes the recipient~~ **an employee** discomfort or humiliation, which interferes with the ~~recipient's~~ employee's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "**quid pro quo**" harassment.

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

### **Examples of Sexual Harassment**

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

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body; or
  - **Rape, sexual battery, molestation or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).**
- Unwanted sexual **comments**, advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits; ~~or~~ **detriments;**

- This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
    - Subtle or obvious pressure for unwelcome sexual activities; or
    - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions or comments about a person's sexuality or sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look;
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a women to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or gender expression and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities;
    - Dress codes that place more emphasis on women's attire;
    - Leaving parents/caregivers out of meetings.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace described earlier in the policy. Harassers can be a superior, a

subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor. A supervisor, supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

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

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

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

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

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

### **Retaliation**

Retaliation is unlawful ~~retaliation can be~~ and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy. ~~could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).~~

Examples of retaliation may include, but are not limited to:

- Demolition, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or **discrimination**, either internally or with any ~~anti-discrimination~~ **government** agency;
- Testified or assisted in a proceeding involving sexual harassment **or discrimination** under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment **or discrimination** by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed **or discriminated against**; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone’s responsibility, but leadership matters.**

Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or the Workforce Development Specialist. ~~The St. Lawrence County Industrial Development Agency—Civic Development Corporation cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Workforce Development Specialist.~~ Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Workforce Development Specialist.



Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees ~~paid or unpaid interns or non-employees~~ and covered individuals who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, **are required** to report such suspected sexual harassment to the Workforce Development Specialist. Managers or supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

~~In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.~~

Supervisors and managers ~~will~~ can also be subject to discipline for engaging in any retaliation sexually harassing or discriminatory behavior themselves. Supervisors or managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

### **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling, and let them know the behavior was not ok and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

### **Complaints and Investigations of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations of any complaint, information, or knowledge of suspected sexual harassment will be conducted in a timely manner, thorough, started and completed as soon as possible. The investigation will be kept ~~and will be~~ confidential to the extent possible.

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

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The St. Lawrence County Industrial Development Agency - Civic Development Corporation will take disciplinary action against anyone engaging in retaliation ~~not tolerate retaliation~~ against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

The St. Lawrence County Industrial Development Agency - Civic Development Corporation recognizes that participating in a harassment investigation can be uncomfortable and has the



potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

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

- Upon receipt of complaint, the Workforce Development Specialist will conduct an immediate review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (e.g., instructing the respondent individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment the complainant), as appropriate. If complaint is verbal, encourage request that the individual to complete the “Complaint Form” in writing. If he or she the person reporting prefers not to fill out the ~~refuses, prepare a~~ Complaint Form, the Workforce Development Specialist will prepare a complaint form or equivalent documentation based on the verbal reporting.
- Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including If documents, emails or phone records that may be are relevant to the investigation. ~~take steps to obtain and preserve them.~~ The Workforce Development Specialist will consider and implement appropriate document request, review and preservation measures, including for electronic communications;
- ~~Request and review all relevant documents, including all electronic communications.~~
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, disclosed in the investigation, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location;
- Promptly notify the individual(s) who reported and the individual(s) about whom the complaint was made of the that the investigation has been completed ~~final determination~~ and implement any corrective actions identified in the written document; and
- Inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

## Legal Protections And External Remedies

Sexual harassment is not only prohibited by the St. Lawrence County Industrial Development Agency - Civic Development Corporation but is also prohibited by state, federal, and, where applicable, local law.

~~Aside from The internal process at the St. Lawrence County Industrial Development Agency - Civic Development Corporation~~ outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

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

### New York State Division of Human Rights

The New York State Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees and covered individuals, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be filed submitted any time within one three years of the harassment. If an individual ~~did~~ does not file a complaint with at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the St. Lawrence County Industrial Development Agency - Civic Development Corporation does not extend your time to file with DHR or in court. The ~~one three~~ years or three years is are counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to receive a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR sexual harassment hotline at 1 (800) HARASS3 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. This hotline can also provide you with a referral to a

volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone. The website has a digital complaint form process that can be downloaded, filled out, completed on your computer or mobile device from start to finish, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964** **The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. At which point the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue letter permitting workers the individual to file a complaint lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination law may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Individuals may obtain relief in mediation, settlement or conciliation. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector 22 Reade Street, 10th 1<sup>st</sup> Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

**Contact the Local Police Department**

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

**Conclusion**

The policy outlined above is aimed at providing employees at the St. Lawrence County Industrial Development Agency - Civic Development Corporation and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights Law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

By my signature, below, I acknowledge that I have received a copy of the above policy. I understand that I am expected to read and understand the policy as it contains important information relative to my employment with the St. Lawrence County Industrial Development Agency - Civic Development Corporation.

Policy:	Sexual Harassment Policy
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Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Original: Employee File

Copy: For Employee