

Village of Patchogue Community Development Agency Charter 2023

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August 3, 2023

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**Village of Patchogue
Community Development Agency
2023 Charter**

Purpose of this Charter:

The purpose of the Community Development Agency (CDA, Agency) Charter (the Charter) is to document the roles, responsibilities, and policies to be upheld by the Community Development Agency Board (the Board). This Charter is to be reviewed annually and updated as appropriate.

The Charter includes the CDA's:

Mission

Chapter 1. Performance Goals

Chapter 2. Code of Conduct

Chapter 3. Bylaws

Chapter 4. Audit Committee

Chapter 5. Governance Committee

Chapter 6. Ethics Policy

Chapter 7. Defense and Indemnification Policy

Chapter 8. Compensation, Reimbursement and Attendance Policy

Chapter 9. Whistleblower Policy

Chapter 10. Procurement Policy

Chapter 11. Sexual Harassment Policy

This document was adopted by the CDA board on August 3, 2023.

CHAPTER 1

NAME OF PUBLIC AUTHORITY

Village of Patchogue Community Development Agency

PUBLIC AUTHORITY'S MISSION STATEMENT

This mission statement summarizes the aims and values of the organization.

The mission of the Village of Patchogue Community Development Agency (CDA) is to provide a viable community for all Village residents through the development of community improvement projects and ensuring the availability of safe, decent, and sanitary housing conditions for low-income families.

PERFORMANCE GOALS

Performance goals help define the direction of the CDA in its operations as an agency. These goals are not in a priority order.

- Administer the Section 8 program in compliance with requirements and standards of the U.S. Department of Housing and Urban Development by providing rental subsidies to low-income Section 8 participants residing in the Village of Patchogue.
- Adhere to the regulations and requirements of the Community Development Block Grant (CDBG) program of the United States Department of Housing and Urban Development (HUD); whose funds are distributed through the Town of Brookhaven Department of Housing and Community Development.
- Operate in a fiscally conscientious, transparent and responsible manner by implementing best practices, maintain proper financial records, and ensuring public access to meetings and meeting minutes.
- Support downtown economic development in the central business district through funding of capital projects with Community Development Block Grant Funds; applying for and administering grants; participating in the Village of Patchogue planning; sharing services and resources with the Village of Patchogue and the Patchogue Business District.
- Assist in recreational upgrades for the Village, as well as supplementing Public Arts and art programs as an important part of community improvement efforts.
- Continuously assess the needs of the Village residents by engaging in other public

planning processes managed by the Village government, and physically assessing the conditions of the streets, sidewalks and other public infrastructure village-wide.

- Collaborate with local governmental and non-governmental organizations to bring additional resources and opportunities to the residents of the Village of Patchogue.
- Strive to administer community development grant funding in a manner that improves the safety, sustainability, and accessibility of the Village.
- Conduct an annual review of the CDA's membership, committee structure and management effectiveness. Operate in compliance with the Public Authorities Law, Fair Housing Laws, and the Authorities Budget Office.

CHAPTER 2

Village of Patchogue Community Development Agency

CODE OF CONDUCT

Each CDA members and employees, having participated in New York State approved training regarding their responsibilities as a member of the Agency, will adhere to a Code of Professional Conduct that supports the Mission of the Agency and pledges to:

- A. Promote public interest through the responsible administration of housing for low-income families and community development programs.
- B. Perform responsibilities with the highest degree of integrity and professionalism in order to merit the respect of the beneficiaries of programs, elected officials, and the general public.
- C. Exercise diligence, objectivity and honesty in executing professional responsibilities.
- D. Avoid any activities which conflict or may reasonably appear to conflict with official duties and not accept directly or indirectly any fee, rebate commission, discount, gratuity or other benefit whether monetary or otherwise for the professional discharge of duties except an authorized established salary, expenses and other benefits.
- E. Serve the public with dedication, concern, courtesy, and responsiveness.
- F. Continually strive for professional excellence personally, and encourage and support associates in their professional development efforts.
- G. Promote and encourage the highest level of ethics.
- H. Immediately report known violations of this Code of Professional Conduct to the Executive Director of the Community Development Agency.

CHAPTER 3

Village of Patchogue Community Development Agency

CDA BY-LAWS

Article 1- The Agency

Members: The CDA consists of no more than five (5) members (pursuant to the General Municipal Law 5-53) appointed by the Mayor of the Village of Patchogue with the concurring approval of the Board of Trustees. The term of office for each such member shall be at the pleasure of the appointing Board. Each member shall continue to hold office until his successor is appointed and has qualified.

Offices: The offices of the CDA shall be 14 Baker St., Patchogue, New York 11772, or at such other place or places as the CDA may, from time to time designate.

Article 2- Membership and Officers

Members

A. The members shall meet the following requirements:

1. All members appointed after April 6, 2009¹ shall not currently be or in the past two (2) years have been employed by the Agency or an affiliate in an executive capacity.
2. All members appointed after April 6, 2009 shall not be or in the past two (2) years have been employed by an entity that received remuneration valued at more than fifteen thousand (15,000) dollars for goods and services provides to the Agency or received any form of financial assistance valued as more than fifteen thousand (15,000) dollars from the Agency.
3. All members appointed after April 6, 2009 shall not be a relative of an executive officer or an employee in an executive position of the Agency or an affiliate.
4. No members appointed after April 6, 2009 shall be or in the past two (2) years have been a lobbyist registered under a state or local law and paid by a client to influence the management decisions, contract awards, rate determinations or any other similar actions of the Agency or an affiliate.
5. No member shall serve as the Executive Director or hold any other equivalent position while also serving as a member.

¹ The Public Authority Reform Act of 2009 was put into effect at the Village of Patchogue reorganization meeting on April 6, 2009.

6. No member shall receive compensation for their services but shall be entitled to the necessary expense, including travel expenses, incurred in the discharge of their duties.

B. Member Responsibilities:

1. The Agency shall be overseen and governed by its Board through its members who shall exercise oversight and control over the officers and staff of the Agency.
2. The Members shall be responsible for understanding, reviewing and monitoring the implementation of fundamental financial and management controls and operational decisions of the Agency,
3. Within one (1) year of his/her appointment to the Agency, each member must participate in New York State approved training regarding their legal, fiduciary, financial and ethical responsibilities as a member of the Agency. All members must participate in continuing training as may be required to remain informed of the best practices and regulatory and statutory changes relating to effective oversight of management and financial activities of the Agency.
4. The Members shall be responsible for establishing written policies and procedures on personnel including policies protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member of the authority, investments, travel, acquisition of real property and the disposition of real and personal property and the procurement of goods and services; and
5. The Members shall adopt a defense and indemnification policy and disclose such plan to any and all prospective board members (see Chapter 7).

C. Voting Members and Terms of Appointment: The appointed Members of the Agency shall be voting members of the Agency. All Members shall serve until such time as their successors have been duly appointed by the Mayor of the Village of Patchogue with the concurring approval of the Board of Trustees, subject to compliance with the requirements of NE York State Law applicable to municipal urban renewal agencies and Article 15-B of the General Municipal Law.

D. Alternate Members: One (1) alternate member will be duly appointed by the Mayor of the Village of Patchogue with the concurring approval of the Board of Trustees. The Chairperson will call upon the alternate when necessary to meet quorum, whereupon the Alternate will have authority to act as a full voting member. The Alternate member may be appointed to serve as a member of an Agency committee.

Officers

The Officers of the Agency shall be a Chairperson and Executive Director.

A. Chairperson: The Chairperson shall preside at all meetings of the Agency. In the absence or incapacity of the Executive Director, and except as otherwise authorized by resolution of the Agency, the Chairperson shall sign all contracts, deeds, resolutions, agreements and other

written instruments to be executed on behalf of the Agency. The Chairperson shall serve as Ethics Officer. The Chairperson shall be appointed by the Mayor of the Village of Patchogue with the concurring approval of the Board of Trustees.

- B. Vice- Chairperson: The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. The Vice- Chairperson shall be elected by a majority of all members of the Agency with concurring approval of the Mayor of the Village of Patchogue and Board of Trustees.
- C. Executive Director: The Executive Director (ED) shall be appointed by the Mayor of the Village of Patchogue with the concurring approval of the Board of Trustees upon the recommendation of the majority of all members of the Agency. The Executive Director shall not be a member of the Agency Board. The ED shall have general supervision and management of the Agency and all agency staff and employees shall report directly to the ED. The ED shall serve as the Agency's Chief Financial Officer and is responsible for the oversight of the financial affairs of the Agency. Except as otherwise authorized by resolution adopted by the Board, the ED shall executes all agreements, bonds, notes, contracts, deeds, leases and any other instrument of the Agency. The ED shall assist the Chairperson with such matters as the Chairperson of the Board may request in the Agency's public purposes. The ED shall be charged with leading the Agency and carrying out its Mission Statement and fulfilling its public purposes under applicable Federal, State and local laws.

Article III- Committees

- A. Audit Committee: The Chairperson shall appoint an Audit Committee comprised of independent members, as defined in Section 2825 of the Public Authorities Law, who are, to the extent practicable, familiar with corporate financial and accounting purposed. The audit Committee is established for the purpose of providing recommendations to the Agency on hiring of a certified independent accounting firm, establishing the compensation to be paid to the certified independent accounting firm and providing direct oversight of the performance of the independent annual audit performed by the certified accounting firm.
- B. Governance Committee: The Chairperson shall appoint a Governance Committee comprised of independent members, as defined by Section 2825 of the Public Authorities Law, for the purposed of governance trends, updating the corporation's governance principles, and advising appointing authorities on the skills and experiences required of prospective Agency members.
- C. Other Committees: In addition to those identified in sections (1) and (2), herein, the Agency may create any other special committees as it deems desirable and may grant them such powers as it deems warranted.
- D. Committee Quorum: A majority of the total membership of a committee shall constitute a

quorum.

Article IV -Meetings and Procedures

- A. Annual Meeting: The annual meeting of the Agency shall be held in February of each calendar year, for the purpose of receiving the annual report of the Executive Director, for holding a preliminary hearing on the Agency's forthcoming budget and for the conducting of such other business of the Agency.
- B. Regular Meetings: Regular meeting of the Agency shall be held on the first Thursday of each month at 6:00pm at the Village Hall for the Incorporated Village of Patchogue, 14 Baker St. Notification of said meetings shall be posted on the Agency's website.
- C. Special Meetings: Special meetings may be called by the Chairperson or Executive Director when he/she deems it advisable and shall be called by hm/her at the request of any three (3) members of the Agency for the purpose of transacting business designated in the call. At the special meeting, the business to be transacted shall be only that stated in the notice of such meeting, except that any other business may be transacted at such meeting by the unanimous consent of all members of the Agency.
 - 1. The call for a special meeting may be made orally to a member or a writing may be delivered to a member of the Agency via facsimile, e-mail, hand-delivery to the members' residence, or mailed to the member's home address and such notice shall be at least 48 hours prior to the date of such meeting.
 - 2. Waivers of Notice: Notice of any meeting need not be given to any member who submits a signed waiver of notice whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to him/her.
- D. Quorum: At all meetings of the Agency, a majority of the members of the Agency shall constitute a quorum.
- E. Order of Business: At regular meetings of the Agency, the order of business shall be determined by the chairperson. All resolutions shall be in writing and shall be copied in the Minute Book of the proceedings of the Agency.
- F. Rules of Order: All members shall be conducted under the most recent edition of Robert's Rules of Order, Revised, unless otherwise provided by applicable law or these by-laws.
- G. Manner of Voting: All voting shall be in accordance with Robert's Rules of Order, Revised. At meetings where here is a quorum present, a majority vote shall be necessary to constitute a vote of approval on any motions placed before the Agency.
- H. Public Meetings: CDA meetings shall be held in accordance with the requirements of the Public Meetings Law.

Article V- Loans Prohibited

The Agency is prohibited from and the officers and members shall not approve any extension or maintenance of credit, the arrangement for the extension of credit, or the renewal of an extension of credit in the form of a personal loan to or for any officer or member. As stated in the Agency's Code of Ethics, officers and members are prohibited from accepting the same.

Article VI- Amendments to By-Laws

The By-Laws may be amended at any regular or special meeting by a majority of the members of the Agency provided the proposed amendment shall have been submitted in writing to the members of the Agency at least five (5) days prior to the regular or special meeting which a vote is taken on the said proposed amendment.

CHAPTER 4

Village of Patchogue Community Development Agency

AUDIT COMMITTEE CHARTER

Purposes:

Formed as a standing committee of the Agency pursuant to Article III, Section I of the Agency's by-laws (the "By-Laws") and to assist the Members ("The Members") by:

- A. assuring that the Members fulfill their responsibilities for the Agency's internal and external audit process, the financial reporting process and the system of risk assessment and the internal controls over financial reporting; and
- B. Provide a venue of communication between management, the independent auditors, the internal auditors and the Members.

Powers of the Committee:

- A. Recommend the appointment, compensation, and to oversee the work of any public accounting firm engaged by the Agency.
- B. Conduct or authorize investigations into any matters within its scope of responsibility.
- C. Seek any information it requires from Agency employees, all of whom should be directed by the Members to cooperate with Committee requests.
- D. Meet with Agency staff, independent auditors or outside counsel, as necessary.
- E. Retain, at the Agency's expense, such outside counsel, experts and other advisors as the Committee may deem appropriate at the consent of the Members.

The Members will ensure that the Committee has sufficient resources to carry out its duties.

Composition of Committee and Selection of Members:

The Committee shall be established as set forth in and pursuant to Article III, Section I of the By-laws. The Committee shall consist of at least three (3) members who are independent of Agency operations. The Members will appoint the members of the committee (the "Committee Members") and the Committee Chair.

Committee Members shall be prohibited from being an employee of the Agency or an immediate family member of any employee of the Agency. In addition, Committee Members shall not engage in any private business transactions with the Agency or receive compensation from any private entity that has material business relationships with the Agency, or be an immediate family member of an individual that engages in private business transactions with the agency or receives compensation from an entity that has material business relationships with the Agency.

The Committee shall have access to the services of at least *one financial expert*, who should be appointed at the annual meeting by the Members.

The Committee's financial expert should have 1) an understanding of generally accepted accounting principals and financial statements; 2) experience in preparing or auditing financial statements of comparable entities; 3) experience in applying such principles in connection with the accounting for estimates, accruals and reserves; 4) experience with internal accounting controls and, (5) an understanding of Committee functions.

Meetings:

The Committee will meet a minimum of twice a year, with the expectation that additional meetings may be required to adequately fulfill all the obligations and duties outlined in the charter.

Committee Members are expected to attend each Committee meeting, in person or via telephone or video conference. The Committee may invite other individuals, such as members of management, auditors or other technical experts to attend meeting and provide pertinent information, as necessary.

The Committee will meet with the Agency's independent auditor at least annually to discuss the financial statements or the Agency.

Meeting agendas will be prepared for every meeting and provided to the Committee Members along with briefing materials five (5) business days before the scheduled Committee meeting. The Committee will act only on the affirmative vote of the majority of the Committee Members at a meeting or by unanimous consent. Minutes of these meetings will be recorded.

Responsibilities:

The Committee shall have responsibilities related to: (a) the independent auditor and annual financial statements; (b) oversight of management's internal controls, compliance and risk assessment practices; (c) special investigations and whistleblower policies; and (d) miscellaneous issues related to the financial practices of the Agency.

A. Independent Auditors and Financial Statements:

The Committee shall:

1. Recommend the appointment, compensation and oversee independent auditors retained by the Agency and pre-approve all audit services provided by the independent auditor.
2. Establish procedures for the engagement of the independent auditor to provide permitted audit services. The Agency's independent auditor shall be prohibited from providing non-audit services unless having received previous written approval from the Committee. Non-audit services include tasks that directly support the Agency's operations, such as bookkeeping or other

services related to the accounting records or financial statements of the Agency, financial information systems design and implementation, appraisal or valuation services, actuarial services, investment banking services, and other tasks that may involve performing management functions or making management decisions.

3. Review and recommend approval of the Agency's audited financial statements, associated management letter, report on internal controls and all other auditor communications.
4. Review significant accounting and reporting issues, including complex or unusual transactions and management decisions, and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
5. Meet with the independent audit firm on a regular basis to discuss any significant issues that may have surfaced during the course of the audit.
6. Review and discuss any significant risks reported in the independent audit findings and recommendations and assess the responsiveness and timeliness of management's follow-up activities pertaining to the same.

B. Internal Controls, Compliance and Risk Assessment:

The Committee shall review management's assessment of the effectiveness of the Agency's internal controls and review the report on internal controls by the independent auditor as a part of the financial audit engagement.

C. Special Investigations:

The Committee Shall:

1. Ensure that the Agency has an appropriate confidential mechanism for individuals to report suspected fraudulent activities, all allegations of corruption, fraud, criminal activity, conflicts of interest or abuse by the members, officers, or employees of the Agency or any persons having business dealing with the agency or breaches of internal control.
2. Develop procedures for the receipt, retention, investigation and/or referral of complaints concerning accounting, internal controls and auditing to the appropriated body.
3. Request and oversee special investigations as needed and/or refer specific issues to the appropriate body for further investigation (for example, issues may be referred to the New York State Inspector General [the "Inspector General"] or, other investigatory organization.)
4. Review all reports delivered to it by the Inspector General and serve as a point of contact with the Inspector General.

D. Other Responsibilities of the Committee:

The Committee Shall:

1. Present annually to the Members a written report on how it has discharged its duties and met its responsibilities as outlined in the charter.

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2. Obtain any information and training needed to enhance the Committee Members' understanding of the role of internal audits and the independent auditor, the risk management process, internal controls and a certain level of familiarity in financial reporting standards and processes.
3. Review the Charter and annually reassess its adequacy, and recommend any proposed changes to the Members. The Charter will be updated as applicable laws, regulations, accounting and auditing standards change.
4. Conduct and annual self-evaluation of it performance, including its effectiveness and compliance with the Charter and request the Members' approval for proposed changes.

Adopted July 2, 2009

CHAPTER 5

Village of Patchogue Community Development Agency

GOVERNANCE COMMITTEE

Purposes: Formed as a standing committee of the Community Development Agency board (CDA or Agency) pursuant to Article III, Section 2 of the Agency's By-Laws and to assist the CDA Board (Members) by:

- A. Keeping the Members informed of current best practices in corporate governance;
- B. Reviewing corporate governance trends for their applicability to the Agency;
- C. Updating the Agency's corporate governance principles and governance practices; and
- D. Advising those responsible for appointing Members on the skills, qualities and professional or educational experiences necessary to be effective Members.

Powers of the Committee: The Members have delegated to the Committee the power and authority necessary to discharge its duties, including the right to:

- A. Meet with and obtain any information it may require from Agency staff.
- B. Obtain advice and assistance from in-house or outside counsel, accounting and other advisors as the Committee deems necessary.

Composition and Selection: The membership of the Committee shall be as set forth in accordance with and pursuant to Article III, Section 2 of the Agency's By-Laws. The Committee shall be comprised of not less than three (3) independent members. The Committee Members shall be appointed by and will serve at the discretion of the Agency's Members. The Members may designate one Committee Member as its Chair. Committee Members shall serve until their resignation, retirement, removal by the Members or until their successors shall be appointed and qualified. When feasible, the immediate past Committee Chair will continue to serve as a Committee Member for up to one year to ensure an orderly transition.

Committee Members shall be prohibited from being an employee of the Agency or an immediate family member of an employee of the Agency. In addition, Committee Members shall not engage in any private business transactions with the Agency or receive compensation from any private entity that has material business relationships with the Agency, or be an immediate family member of an individual that engages in private business transactions with the Agency or receives compensation from an entity that has material business relationships with the Agency. Committee Members should be knowledgeable or become knowledgeable in matters pertaining

to governance.

Committee Structure and Meetings: The Committee will meet a minimum of twice a year, with the expectation that additional meetings may be required to adequately fulfill all the obligations and duties outlined in the charter. All Committee members are expected to attend each meeting, in person or via telephone or videoconference.

Meeting agendas will be prepared for every meeting and provided to the Committee Members at least five (5) days in advance of the scheduled meeting, along with the appropriate materials needed to make informed decisions. The Committee shall act only on the affirmative vote of unanimous consent. Minutes of these meetings are to be recorded.

Reports: The Committee shall:

- A. Report its actions and recommendations to the Members at the next regular meeting of the Members.
- B. Report to the Members, at least annually, regarding any proposed changes to the governance charter or the governance guidelines.
- C. Provide a self-evaluation of the committee's functions on an annual basis.

Responsibilities: To accomplish the objectives of good governance and accountability, the Committee has responsibilities related to:

- A. The Agency's Members
- B. Evaluation of the Agency's policies
- C. Other miscellaneous issues.

Relationship to the Agency's Members: The Agency's Members have delegated to the Committee the responsibility to review, develop, draft, revise or oversee policies and practices for which the Committee has specific expertise, as follows:

- A. Develop the Agency's governance practices and policies. These practices should address transparency, independence, accountability, fiduciary responsibilities, and management oversight, including the creation of committees.
- B. Develop the competencies and personal attributes required of the Village of Patchogue Board of Trustees to assist them in identifying qualified individuals to serve as Members.
- C. Develop and provide recommendations to the Members regarding education, including new member orientation and regularly scheduled training for Members to be obtained from New York State-approved trainers.

- D. Develop and provide recommendations to the Members on performance evaluations, including coordination and oversight of such evaluations of the Members, their committees and senior management in the Agency's governance process.

Evaluation of the Agency's Policies: The Committee shall develop, review, and recommend on an annual basis any required revisions or updates to the Agency's policies related to:

- Code of ethics and written policies regarding conflicts of interest. Such code of ethics and policies shall be at least as stringent as the laws, rules, regulations and policies applicable to state officers and employees.
- written policies regarding the protection of whistleblowers from retaliation.
- equal opportunity and affirmative action policies.
- procurement of goods and services, including policies relating to the disclosure of persons who attempt to influence the Agency's procurement process.
- disposition of real and personal property.
- governance of the Agency, including rules and procedures for conducting the business of the Members, such as the By-Laws. The Committee will oversee the implementation and effectiveness of the By-Laws and other governance documents and recommend modifications as needed.
- the compensation and benefits for the Executive Director and staff.
- And, this Charter and provide a self-evaluation of the Committee.

CHAPTER 6

Village of Patchogue Community Development Agency

CODE OF ETHICS

The Village of Patchogue Community Development Agency, in compliance with the Public Authorities Act of 2005, has adopted the following Code of Ethics applicable to each Agency Board Member and employee.

A. State Law Restrictions Concerning Board Member Appointments:

Section 2825 of the Public Authorities Law (2005) provides that officials having the authority to appoint members to the Agency Board shall take such actions as may be necessary to ensure that no Board Member is appointed or remains on the Agency Board who:

1. Is, or, in the last two years, has been employed by the Agency in an executive capacity (Executive Director, General Counsel or Assistant Director)
2. Is, or, in the last two years, has been employed by a non-governmental entity that received more than \$1,000.00 from the Agency as a result of contracts for goods and/or services provided to the Agency.
3. Is, or, in the last two years, has been employed by a non-governmental entity that received more than \$1,000.00 of any other form of financial assistance from the Agency.
4. Is a relative of an executive officer of an employee in an executive position of the Agency,
5. Is, or, in the last two years, has been a lobbyist registered under a state or local law and paid by a client to influence any management decisions, contract awards, or any other similar actions of the Agency.

B. Annual Financial Disclosure Statements:

1. Board Members of the Agency shall file Annual Financial Disclosure Statements with the Suffolk County Ethics Board pursuant to Section 2825(3) of the Public Authorities

Law. Such filing shall be submitted by May 15th of the next succeeding year following that for which the Annual Financial Disclosure Statement applies.

C. General Agency Ethics Guidelines:

1. No Board Member or employee of the Agency shall:
 - i. Accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties as an Agency Board Member or employee including, but not limited to, employment with a contractor and/or not-for-profit organization under contract with the Agency, or vendor doing business, or who could likely do business with the Agency.
 - ii. Accept employment or engage in any business or professional activity or outside organization that would require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority with the Agency.
 - iii. Disclose confidential information acquired by him/her in the course of his/her official duties nor use such information to further his/her personal interests.
 - iv. Use of attempt to use his/her official position with the CDA to secure unwarranted privileges for himself/herself, member of their family or others, including employment with the Agency, or with an entity that does business with the Agency or contracts for materials or services with the Agency.
 - v. Engage in any transaction as a representative or agent of the CDA with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties as an Agency Board Member or employee.
 - vi. By his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties as an Agency Board Member or employee or that he/she is affected by the kinship, rank, position or influence of any party or person.
 - vii. Make personal investments in enterprises which he/she has reason to believe may be directly involved in decisions to be made by him/her as an Agency Board Member or employee or which will otherwise create substantial conflict between his/her duty in the public interest as an Agency Board Member or employee and his/her private interest.
 - viii. Pursue a course of conduct which will raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust as an

Agency Board Member or employee such as being a named party to a lawsuit against the Agency, either individually or as a controlling member of an outside organization.

- ix. Sell goods or services to any firm, person, corporation or association who has business dealings with or is under contract with the Agency, if the Board Member or employee is a member of that firm, corporation or association, owns a substantial ownership interest of stock therein (i.e., 5% or more), or is employed full or part-time therewith.
- x. Without the knowledge of an officer of the Board directly or indirectly solicit or accept any gift during any one calendar month period having a value of twenty-five dollars or more, whether in the form of meals, drinks, money, service, loan, travel, tickets, entertainment, hospitality, things or promises, or gifts in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties as an Agency Board Member or employee or was intended as a reward for any official action.
- xi. Enter into any agreement, express or implied, for any compensation for service to be rendered to any matter before the Agency, whereby the Board Member or Agency employees' compensation is to be dependent or contingent upon any action by the agency with respect to such matter.
- xii. Engage in any business transaction directly, or indirectly which might tend to affect his/her judgment in any official act or create a conflict with his/her official duties as an Agency Board Member or employee.
- xiii. During employment with the agency or Board membership, knowingly enter into an investment of interest, legal or beneficial, directly or indirectly, in any property, real or personal in conflict with his/her official duties.
- xiv. Accept the extension of credit or renewal of credit, directly or indirectly, or any personal loan from the Agency.
- xv. For a two (2) year period after the termination of service or employment, appear before this Agency or render services on behalf of any person, firm, corporation or association other than the Agency itself.
 - i. In relation to any matter with respect to which such Board Member or employee was directly concerned or in which he/she personally participated during the period of his/her service or employment of which was under his/her active consideration, until such matter has been finally disposed of, nor shall said Board Member or employee receive or agree to receive any compensation with respect to such matter. Nothing herein contained shall prevent or bar an employee or Board Member, after the termination of service or employment, from rendering contractual services to the Agency and being compensated

therefore, to the extent the then current Board deems it to be in the interest of the Agency to retain said former Board Member or employee.

2. All non-governmental persons, firms or corporations rendering services to the Agency as contractors, consultants, or in any other professional capacity, whether paid or unpaid, shall first file with the Agency a written affidavit which states that *the party agrees that it has no interest and will not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the services to rendered to the Agency and that the party further agrees that, in the rendering of services to the agency, no person having any such interest shall knowingly be employed by it.*
3. No Board Member, including the Board Chair, shall serve as the Agency's Executive Director, or any other Director while serving as a Member of the Board.
4. To the extent that he/she knows thereof, a Board Member, or employee of the Agency who participates in the discussion of any matter, or gives an official opinion to the Board of a matter, shall disclose the nature and extent of any outside financial or other private interest he/she has in any such matter.
5. If a Board Member or any employee receives a gift or gratuity of any kind from a principal, employee or agent of a firm or business over which the Agency has regulatory authority, if any, or which does or has done business with the Agency, having a value in excess of twenty-five dollars (\$25.00), the Board Member or employee must advise the Agency's Ethics Officer within 48 hours of the specifics of the gift or gratuity. Agency employees that perform direct services for the public, and/or any businesses shall not accept tips or gratuities for their customer service, including assistance provided as part of their job responsibilities. The Agency's Ethics Officer shall keep a record of all such reported matters. Failure to report any such gift or gratuity by an Agency employee shall be a basis for disciplinary action including, where appropriate, discharge.

D. Public Authorities Law Prohibition Against Interest in Contracts:

New York Public Authorities Law Section 2045-q provides as follows:

It shall be a misdemeanor for any member of the governing body or any officer, agent, servant or employee of the Agency to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor in any contract therefore which the Agency is empowered by this title to make.

E. Implementation of the Code of Ethics:

1. A copy of this Agency Code of Ethics will be distributed by the Agency's Executive Director to all employees on commencement of employment, to Board Members when they are appointed to the Board and distributed annually thereafter by the Agency's Ethics Officer to all Board Members and employees. It will also be posted in prominent places in all Agency offices and facilities as well as on the Agency's Internet Web Site.
2. The Agency's Chairperson shall serve as the Agency's Ethics Officer. The functions of the Ethics Officer shall be:
 - i. To consult, in confidence, employees and Board Members who seek advice in advance about potential ethics issues. The advice of the Agency's Ethics Officer is given to assist Board Members and employees in their decision on a course of action under this Code of Ethics. It is the responsibility of Board Members and employees to independently familiarize themselves with this Agency's Code of Ethics.
 - ii. To receive and investigate information received about possible ethics violations in the Agency. The Ethics Officer should forward the information received with an investigative report to the Executive Director and the Agency's General Counsel. If the Executive Director after consulting with the General Counsel determines that a probable Code of Ethics violation has occurred involving a Board Member or former Board Member, he/she shall advise an officer of the Board for possible Board action. The Executive Director after consultation with the General Counsel shall have responsibility to deal with probable Ethics violations involving Agency employees.
 - iii. To advise the Executive Director of any situation where an employee has reported and unusual or unacceptable number of gifts or gratuities received (i.e. more than five per year), whether from one or several sources.
 - iv. The Agency Ethics Officer will consult with the Agency's Administration and Governance Committee about any personal ethics issue he/she may have.
3. As to the alleged Ethics Code violations involving Agency employees or former employees, the Executive Director after consulting with the Agency's General Counsel shall then either:
 - i. Dismiss the complaint, or
 - ii. Refer the matter to the Village Board of Ethics for opinion and/or advisement;
or
 - iii. Take appropriate disciplinary action under the Agency Work Rules and/or

- iv. Forward the complaint to the appropriate authorities for possible criminal review and/or action, or
 - v. Where applicable, recommend to the Board that legal action be taken to enjoin the violation or to seek money damages on behalf of the Agency.
4. As to alleged Ethics Code violations involving CDA Board Members, the Agency's Executive Director or Agency General Counsel, the Board shall:
- i. Dismiss the complaint, or
 - ii. Refer the matter to the Village Board of Ethics for opinion and/or advisement, or
 - iii. Forward the complaint to the appropriate authorities for possible criminal review/action, or
 - iv. Seek guidance from the NYS Attorney General or Comptroller as to an appropriate course of action, or
 - v. Where applicable, refer the matter to the Board Members' appointing authority for any action that entity may deem appropriate, or
 - vi. Where applicable, recommend to the Board that legal action be taken to enjoin the violation or to seek monetary damages on behalf of the Agency.
 - vii. Commence an action for removal of that Board Member in accordance with the Public Authorities Law Section 2045-c (1) for the same reasons, and in the same manner, as may be provided by law for removal of officers of the Village of Patchogue Community Development Agency.
 - viii. Where appropriate, take disciplinary action against the Agency's Executive Director and/or Agency's General Counsel.

CHAPTER 7

**Village of Patchogue
Community Development Agency**

DEFENSE AND INDEMNIFICATION POLICY

In accordance with Section 2824 of the Public Authorities Law, the Village of Patchogue Community Development Agency adopts the following defense and indemnification policy:

The Agency shall indemnify, defend and hold harmless the officers and members from and against all costs, losses, liabilities and damages paid or accrued by an officer or member acting in his/her capacity in connection with the Agency, to the fullest extent permitted by Articles 15 and 15A of the New York State General Municipal Law and other applicable laws of the State of New York.

CHAPTER 8

Village of Patchogue Community Development Agency

COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY

Pursuant to the Bylaws, as may be amended from time to time, of the Village of Patchogue Community Development Agency the officers and members, except for the Chief Executive Officer (Executive Director), General Counsel, shall receive no compensation from the Agency for their services, but shall be reimbursed, for necessary and reasonable expenses incurred in the performance of their duties. Said expenses shall also include travel expenses which shall be reimbursed in accordance with the Travel Policy of the Agency, as may be amended from time to time.

Compensation of and Reimbursement to Employees

The Chief Executive Officer, General Counsel as well as Senior Management Employees of the Agency who serve at the pleasure of the Agency shall be compensated at levels determined and approved by a majority vote of the members of the Agency. Such compensation may be reviewed by the Agency at its discretion from time to time.

Upon approval of a majority of the members of the Agency, the employees and agents of the Agency shall be reimbursed, for necessary and reasonable expenses incurred in the performance of their duties. Said expenses shall also include travel expenses which shall be reimbursed in accordance with the Travel Policy of the Agency, as may be amended from time to time.

Attendance

- A. The officers and members of the Agency shall be available as required to perform the operations and duties of the Agency as set forth in the Public Authorities Law, the General Municipal Law, the Certificate of Establishment and the Bylaws of the Agency, as may be amended from time to time.
- B. Any employee or agent of the Agency, who serves at the pleasure of the Agency, who excessively exhibits un-excused absenteeism from work and who continuously fails to carry out the responsibilities and duties of said employment may result in termination of employment from the Agency upon the majority vote of the members.

CHAPTER 9

Village of Patchogue Community Development Agency

WHISTLEBLOWER POLICY

Every member of the board of the Village of Patchogue Community Development Agency and all officers and employees thereof, in the performance of their duties shall conduct themselves with honesty and integrity and observe the highest standards of business and personal ethics as set forth in the Code of Ethics of the Agency.

Each member, officer or employee is responsible to report any violation of the Code of Ethics (whether suspected or known) to the Chairman of the Community Development Agency who has been designated the Ethics Officer of the Agency. Report of violations will be kept confidential to the extent possible. No individual, regardless of their position with the Agency, will be subject to any retaliation for making a good faith claim and, any employee who chooses to retaliate against someone who has reported a violation, shall be subject to disciplinary action which may include termination of employment. Regardless, any claim or retaliation will be taken and treated seriously and irrespective of the outcome of the initial complain, will be treated as a separate offense.

The Chairman of the Community Development Agency is responsible for investigating and handling the claim in a timely manner.

CHAPTER 10

Village of Patchogue Community Development Agency

PROCUREMENT POLICY

Pursuant to Section 2824 of the Public Authorities Law, the Village of Patchogue Community Development Agency is required to establish and adopt a procurement policy which will apply to the procurement for goods and services not subject to the competitive bidding requirements set forth in General Municipal Law section 103 and which goods and services are paid for and used by the Agency. The primary objectives of this Procurement Policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers in the Village of Patchogue, 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.

Procurement Procedure

- A. Procurement subject to competitive bidding: In order to determine if the procurement of goods or services is subject to competitive bidding, the Chairman or an authorized designee shall:
 - 1. Make an initial determination as to whether the expenditure will be (i) more than \$35,000.00 for the performance of a public works contract (services, labor or construction) or (ii) more than \$20,000.00 for any purchase contract (commodities, materials, supplies or equipment).
 - 2. Review the purchase request against prior years' expenditures and shall make a good faith effort to determine whether it is known or can reasonably be expected that the aggregate purchases of a similar nature will exceed the dollar amounts set forth in paragraph (a) of this Section. If so, the procurement will be subject to competitive bidding.
- B. Determination: If the procurement is not subject to competitive bidding, as determined in section (1) above, then prior to commencing any procurement of goods and services, the Chairman or an authorized designee shall prepare a written statement setting forth a determination that (a) competitive bidding is not required for such procurement, and, if applicable, (b) such procurement is not subject to the requirements of this Policy. Such written statements shall be maintained in a specially designated file at the Agency offices and shall also be filed with the purchase order or contract of the goods or services.
- C. Procedures for the purchase of goods under \$20,000:

1. \$0.01 - \$999.99 May be purchased at the discretion of the Chairman or the authorized designee.
2. \$1,000 - \$2,999.99 Upon Agency approval, may be purchased from the vendor providing the lowest quote after receiving and documenting at least three (3) verbal quotes.
3. \$3,000 - \$19,999.99 Upon Agency approval, may be purchased from the vendor providing the lowest quote after receiving at least three (3) written, faxed, or e-mailed quotes.

D. Procedures for the purchase of public works or services under \$35,000:

1. \$0.01 - \$999.99 May be purchased at the discretion of the Chairman or the authorized designee.
2. \$1,000 - \$2999.99 Upon Agency approval, may be purchased after receiving and documenting at least three (3) verbal quotes.
3. \$3,000 - \$34,999.99 Upon Agency approval, may be purchased from the vendor providing the lowest quote after receiving at least three (3) written, faxed, or e-mailed quotes.

E. Quotes:

1. Verbal Quote. The documentation of a verbal quote shall include, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative, if any, delivery or service date.
2. Written Quote. The Vendor should provide, at a minimum, the date, description of item or details of service, price quoted, name of vendor, contact information, delivery or service date.
3. Award of Contract. Contracts shall be awarded to the lowest responsible vendor whose goods and/or services meet the specifications.

F. Circumstances justifying an award to other than lowest quote:

1. Delivery or service requirements.
2. Specification requirements.
3. Quality.
4. Past vendor performance.
5. Unavailability of three (3) or more vendors who are able to provide a quote.
6. It is in the best interests of the Agency to consider only one vendor who has previous expertise with respect to the particular procurement.

When an award is made to a vendor who did not provide the lowest quote, the

reason why it is in the best interests of the Agency must be set forth and justified in writing, by the Chairman or an authorized designee, and maintained in a specially designated file at the Agency Offices and shall also be filed with the purchase order or contract of the goods or services.

Article III. Exceptions from bidding

- A. **Emergency:** An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. With approval of the Chairman, such emergency shall not be subject to competitive bidding or the procedures stated herein. The Chairman shall obtain a verbal quote, at a minimum, which shall be documented and shall also include a description of the facts giving rise to the emergency and that it meets the criteria set forth herein. Said documentation may also include the opinions of Counsel regarding the exception from bidding.
- B. **Professional services:** This category includes services which require special education and/or training, license to practice or are creative in nature. Examples include: lawyers, doctors, accountants, engineers, artists, etc. The Agency may seek Requests for Proposals for such services. In its selection, the Agency should consider cost, experience, expertise, reputation, staffing, location and suitability for the needs of the Agency. The Chairman shall prepare, in writing, the basis for the selection and the description of the professional service. Said documentation may also include the opinions of Counsel regarding the exception from bidding.
- C. **Sole sources:** In this situation, there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits compared to other goods and/or services available in the marketplace; no other item provides substantially equivalent or similar benefits; and considering the benefits the cost is reasonable. The Agency should adopt a resolution describing the goods and/or services and waiving the bidding requirements prior to procurement and should provide evidence that, as a matter of fact, there is no competition available. Said documentation may also include the opinions of Counsel regarding the exception from bidding.
- D. **True lease:** The Chairman shall obtain written quotes and shall prepare a cost benefit analysis of leasing versus purchasing. Said documentation may also include the opinions of Counsel regarding the exception from bidding.
- E. **Insurance:** The Chairman shall, at a minimum, obtain several verbal quotes, as defined herein. An analysis regarding why a particular selection was made should be prepared and documented. Said documentation may also include the opinions of Counsel regarding the exception from bidding.
- F. **Rehabilitation of owner-occupied properties:** Monies lent to eligible homeowners with regard to said Rehabilitation Programs shall be subject to Agency procedures and policies, as well as Federal, State and local laws.

- G. The unintentional failure to comply with the provisions of this Policy and the applicable law shall not be grounds to void action taken or give rise to a cause of action against the Agency or any director, officer, member or employee thereof.

CHAPTER 11

Village of Patchogue Community Development Agency

SEXUAL HARRASSMENT POLICY

Introduction

The Village of Patchogue is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of The Village's commitment to a discrimination-free work environment. Sexual harassment is against the law² and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with The Village of Patchogue Safety Committee. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village of Patchogue policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with The Village. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Village of Patchogue will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of The Village of Patchogue who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees³ working in the

² While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

³ A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing

workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or a representative of The Village Safety Committee. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject The Village of Patchogue to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Village of Patchogue will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Village of Patchogue will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Village of Patchogue will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to The Village Safety Committee.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex 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.

services in the workplace. Protected non-employees 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 provided pursuant to a contract with the employer.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

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

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

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

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
- Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

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

Where can sexual harassment occur?

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

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, 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, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

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

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Village of Patchogue 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 a Representative of The Village Safety Committee. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or a Representative of The Village Safety Committee.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this

complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

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

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to a representative of The Village Safety Committee.

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

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

Complaint and Investigation of Sexual Harassment

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

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

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

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

- Upon receipt of complaint, The Village Safety Committee will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is

verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by The Village of Patchogue, but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at The Village of Patchogue, employees 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.

State Human Rights Law (HRL)

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

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

Complaining internally to The Village Safety Committee does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

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

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

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

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

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal 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 harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that

discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

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

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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 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 Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.