

Reference: HUMAN RESOURCES
Section: WORK ENVIRONMENT
Title: GENDER-BASED VIOLENCE AND THE WORKPLACE
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I. PURPOSE

The purpose of this policy is to promote a workplace environment free of acts of violence and threats of violence and intimidation for the employees of the Niagara Frontier Transportation Authority and the Niagara Frontier Transit Metro System, Inc. (collectively referred to as “NFTA” or “Authority”). This Policy will identify and prescribe practices that will respond effectively to employees’ needs as victims of domestic and gender-based violence and promote safety in the workplace.

II. APPLICABILITY

This policy shall extend to all full, part-time, and temporary employees, volunteers, and interns engaged by the NFTA in any official workplace capacity. All employees of the Authority are required to comply with this policy. Whenever possible, this policy shall be extended to consultants, contractors, and other on-site providers.

Gender-based violence is a serious public policy concern for the NFTA, requiring the Authority's participation in the coordinated community response to support victims and survivors and to hold abusers accountable; gender-based violence permeates the lives and compromises the safety of thousands of New Yorkers each day, with tragic, destructive, and sometimes fatal results; and, gender-based violence is a widespread community problem that affects thousands of New Yorkers, including in the workplace; and, the Authority, as an employer, is additionally weakened by gender-based violence, which compromises the safety of both victims and co-workers, and results in lost productivity, increased health care costs, increased absenteeism, and increased employee turn- over.

III. POLICY

Domestic violence and other forms of gender-based violence are defined as a pattern of coercive tactics which can include physical, psychological, sexual, economic, and/or emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll on the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The Authority acknowledges it has both a moral and legal obligation to its employees who may be experiencing victimization.

New York State law recognizes that domestic and gender-based violence occurs within a wide spectrum of relationships; therefore, the Authority will take every appropriate measure to prevent and/or address domestic and gender-based violence as it effects the workplace, while also recognizing the rights of victims to have self-determination and the need to respond in a survivor-centered, trauma-informed, and culturally responsive manner. All valid orders of protection shall

be enforced by the Authority and all protections of this policy shall apply. This policy shall apply to all victims of gender-based violence, regardless of where the incidents took place.

The Authority recognizes and respects the employee's right to privacy and confidentiality. All information, including employee disclosures about victimization, shall be kept confidential to the extent permitted by law and agency policy without the employee's written informed consent, unless doing so creates a substantial risk of imminent danger to the victimized employee, other employees, or worksite. Should that circumstance occur, the victimized employee will be given notice of what actions will be taken by the Authority and information will be given to only those employees deemed necessary for securing the safety of the victim, other employees, or worksite. The information given to those employees will be as limited in scope as possible and employees may be required to sign an acknowledgement of confidentiality stating that any information they have been given regarding the victimized employee must be used only for the intended purpose.

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

Definitions

For purposes of this policy, the following terms will be defined as follows:

Domestic Violence: A pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a victim, as defined in New York State Social Service Law § 459-a, including, but not limited to, physical, sexual, psychological, economic, and/or emotional abuse; or the threat of any or all of the aforementioned acts.

Domestic Violence Agency Liaison (DVAL):

The Chief and Deputy Chief of the Transit Authority Police Department (TAPD) have been trained by the Office for the Prevention of Domestic Violence (OPDV) to assist victimized employees. They will ensure Authority compliance with the Gender-Based Violence and the Workplace Policy and serve as the primary contacts with OPDV. They may be reached at: (716)-855-7666

Gender-Based Violence:

Violence or threats that happen because of someone's sex, gender, sexual orientation, gender identity or expression, or other related characteristics. Gender-based violence is an umbrella term that includes domestic violence, sex-based discrimination, sexual harassment, sexual assault, and sexual violence, and can also include stalking or human trafficking.

Order of Protection (OP) (Commonly referred to as "Restraining Order" or "Stay-Away Order"):

An order issued by any court to limit the behavior of someone who harms or threatens to harm another person. Orders of protection may direct the offending party to not injure, threaten, or harass the victim, their family, or any other person(s) listed in the order, and may include, but are not limited to, ordering him/her/them to stay away from the home, school, business, or place of employment of the victim; vacate a shared residence; abide by any active orders of custody and visitation; and, surrender any firearms.

Perpetrator or abusive partner or person who causes harm:

A person who commits or threatens to commit coercive or violence acts, which may include, but is not limited to, physical, psychological, sexual, economic, and/or emotional abuse against a victim.

Sexual Harassment:

Consistent with the New York State Human Rights Law, 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.

Victim of domestic violence (New York State Social Services Law § 459-a):

- a. Any person over the age of sixteen, any married person, or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation, identity theft, grand larceny, or coercion; and
 1. Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and
 2. Such act or acts are or are alleged to have been committed by a family or household member.
- b. "Family or household members" mean the following individuals:
 1. persons related by consanguinity or affinity (blood or a person's relation to blood relatives of their spouse);
 2. persons legally married to one another;
 3. persons formerly married to one another regardless of whether they still reside in the same household;
 4. persons who have a child in common regardless of whether such persons are married or have married or have lived together at any time;
 5. unrelated persons who are continually or at regular intervals living in the same household or who in the past continually or at regular intervals lived in the same household;
 6. persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together

at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; or

7. any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation.
- c. “Parent” means a natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

Workplace:

For the purposes of this policy, any permanent or temporary location away from an employee’s domicile where an employee performs any work-related duty in the course of employment.

IV. GUIDELINES

A) Employee Awareness

The Authority shall increase awareness of gender-based violence and inform employees of available sources of assistance. Whenever possible, the gender-based violence and the workplace policy should also be extended to consultants, contractors, and other non-Authority, on-site providers.

- I. The Authority will increase awareness around domestic and gender-based violence and create an informed workforce regarding available sources of assistance for those experiencing domestic or gender-based violence.
- II. The Authority will increase awareness around possible disciplinary practices that may be implemented in the event of retaliation or used with employees who perpetrate acts of domestic or gender-based violence.
- III. The Authority shall include this policy as part of the written materials that are provided to all new employees and shall provide the policy to all employees on an annual basis.
- IV. A detailed explanation of employee’s rights under this policy shall be given during new employee orientation, including information for contacting the DVAL.
- V. If The Authority suspects that an employee is a victim of domestic and gender-based violence but the employee has not disclosed victimization, the Authority shall refer the employee to:
 - i. the DVAL,
 - ii. EAP,
 - iii. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
 - iv. any local programs serving victims of domestic and sexual violence.
- VI. The Authority shall post information on domestic and gender-based violence as outlined below, this Policy, and any additional available resources at the Authority workplace. This information shall be posted in such places where employees are able to utilize the information without having to request it or be seen removing it.

Such places may include: Authority website, employee newsletters, restrooms, kitchen and lounge areas, and any other frequently trafficked areas. Information will include sources of assistance, contact information for the DVAL(s), Employee Assistance Program information, Human Resources staff, the NYS Domestic and Sexual Violence Hotline Number (1 [800] 942-6906), Chat and Text Line (1 [844] 997-2121), and contact information for local domestic violence programs.

- VII. Referrals must be offered to anyone who discloses they are a victim of domestic or gender-based violence, as follows to:
 - i. the DVAL,
 - ii. EAP,
 - iii. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
 - iv. any local programs serving victims of domestic and sexual violence.
- VIII. Additional referrals shall be made to the appropriate resources to best meet the employee's needs.
- IX. The Authority shall consider conducting programs and activities throughout the year to increase awareness about domestic and gender-based violence such as:
 - 1. Supply drives for local domestic and gender-based violence programs
 - 2. Brown bag lunch discussions
 - 3. Presentations by local domestic and gender-based violence programs, the DVALs, or OPDV.

B) Domestic Violence Agency Liaisons (DVALs):

The liaisons' responsibilities include:

- 1. Ensure agency-wide implementation of, and compliance with, this Gender-Based Violence and the Workplace policy.
- 2. Ensure victimized employees are aware of and understand this policy and their rights.
- 3. Upon notification that an employee is a victim of domestic or gender-based violence, the DVAL must provide the employee with confidential support services, including referrals to:
 - i. EAP,
 - ii. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
 - iii. any local programs serving victims of domestic and sexual violence.
- 4. Ensure that the victimized employee is informed of all possible options available to them, such as the use of alternative scheduling or a change in work location and assisting the employee in identifying the best use of attendance and leave benefits.
- 5. Ensure that the victimized employee is aware of and receiving any necessary accommodations as outlined in section E of these "Guidelines."
- 6. Ensure that all employees receive a copy of this policy annually, and regularly receive information about how to contact the DVALs and what supportive services are offered by the agency.
- 7. Conduct basic workplace safety strategizing with victimized employees.
- 8. Serve as the primary contact for OPDV, including reporting semi-annual data.
- 9. Notify OPDV of any modifications of this policy or the contact information for the DVAL.

C) **Human Resources:**

1. Human Resources staff shall ensure that the Authority establishes a workplace culture that is safe and supportive for anyone who has experienced domestic or gender-based violence by communicating to employees that information and resources are available to victims and that abusive behavior by any employee will not be tolerated.
2. Human Resources staff shall ensure that all employees who are required to attend training from OPDV pursuant to this policy complete the required training.
3. Human Resources staff shall ensure that employees receive a copy of this policy upon hire and annually, including information about how to contact the DVAL(s) and what supportive services are offered by the Authority.
4. Human Resources staff shall ensure that any employee who discloses being a victim of domestic or gender-based violence is aware of and receiving any necessary accommodations and shall consult with Authority leadership and Counsel (and OPDV Counsel as appropriate) to address complex cases.
5. Human Resources staff shall assist supervisors and the Authority to ensure that all employees who violate this policy are held accountable.

D) **Supervisors:**

1. Supervisors shall ensure that any employee who discloses being a victim of domestic or gender-based violence is aware of this policy and understands this policy and their rights, including the right to request accommodations or time off as discussed below.
2. If any employee discloses being a victim of domestic or gender-based violence, or if the supervisor suspects that the employee may be a victim of domestic or gender-based violence, the Supervisor must refer the employee to:
 - I. The agency DVAL,
 - II. EAP,
 - III. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
 - IV. Any local programs serving victims of domestic and sexual violence.
3. There is no mandatory reporting of domestic or gender-based violence, unless it may constitute sexual harassment as defined on page 3.

V. NON-DISCRIMINATORY AND RESPONSIVE PERSONNEL POLICIES

All Authority policies and procedures are trauma-informed, survivor-centered, and culturally responsive to victims' needs, and do not discriminate. Under the New York State Human Rights Law, all persons covered by this policy are protected from discrimination in the workplace on the basis of status as a victim of domestic violence, and on the basis of sex, sexual orientation, gender identity, and gender expression.

- a. Subdivision 34 of section 292 of the Executive Law of New York State establishes persons who qualify as a "victim of domestic violence."
- b. Victims of domestic violence are a protected class under New York State Human Rights

Law (Executive Law § 296[22]).

- i. The Authority will not refuse to hire or license and will not terminate someone solely based on their status as a victim of domestic violence.
 - ii. The Authority will not discriminate against victims of domestic violence in compensation, terms, conditions, or privileges of employment.
 - iii. The Authority will prohibit inquiries about an applicant's status as a current or past victim of domestic violence and may not make any employment decisions based on assumptions or actual knowledge about someone's status as a current or past victim of domestic violence; however, the Authority may inquire about status as a victim of domestic violence in order to provide reasonable accommodations.
- c. The Authority shall permit any employee who has disclosed their status as a victim of domestic or gender-based violence (or disclosed that a family member is a victim of domestic or gender-based violence) and must be out of work for a reasonable time to use accrued sick leave (see Labor Law § 196-b[4]) for the following purposes:
- i. to obtain services from a domestic violence shelter, rape crisis center, or other services program;
 - ii. to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
 - iii. to meet with an attorney or social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
 - iv. to file an accusatory instrument or Domestic Incident Report with law enforcement;
 - v. to meet with the District Attorney's Office;
 - vi. to enroll children in a new school;
 - vii. to address issues relating to technology or financial abuse; or
 - viii. to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.
- d. Employees can choose to use appropriate leave accruals to cover any absences, if available. If the employee does not have adequate leave accruals to cover the absence or chooses not to charge leave accruals, the absence shall be treated as leave without pay.
- e. Any employee who must be absent from work to utilize accommodations in this section is entitled to the continuation of any health insurance coverage provided by the Authority to which the employee is otherwise entitled during any such absence, in accordance with any existing collective bargaining agreements, regulations, and Authority policy.
- f. Employees who must be absent to utilize accommodations as listed in this section shall provide their supervisor with reasonable advanced notice of the absence whenever possible.
- g. The Authority will grant time off with at least one day of prior notification, and will not penalize any employee who, as a victim or witness of a criminal offense, is appearing as a witness; consulting with an assistant district attorney; or exercising their rights as provided by law (see e.g. Penal Law § 215.14). Employees can choose to use appropriate leave accruals to cover any absences, if available. If the employee does not have adequate leave accruals to cover the absence, or chooses to not charge leave accruals, the absence shall be treated as leave without pay. Any questions regarding leave that must be granted to victims or subpoenaed witnesses should be directed to Human Resources.

- h. The Authority understands that there may be occurrences when an employee is absent due to incidents of domestic or gender-based violence where they are unable to follow Authority protocol to report the absence. In that situation, the employee may lack documentation, may be unable to obtain documentation, or may not want to share documentation containing confidential information. The Authority will not require the disclosure of confidential information relating to an absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing sick leave.
- i. Employees who are victims of domestic violence or gender-based violence who separate from a covered family member due to an incident or incidents of domestic or gender-based violence shall be allowed to make reasonable changes in benefits at any time during the calendar year, where possible and in accordance with statute, regulation, contract, and policy.
- j. The Authority recognizes that victims of domestic and gender-based violence may experience temporary work performance difficulties or be unable to complete certain job assignments because of safety reasons. (Examples include overnight travel, “off” hour shifts, *etc.*) If it is found that the employee’s work performance is being affected as a result of being a victim of domestic or gender-based violence, the Authority will work with the employee to try to create a satisfactory resolution, including, but not limited to, specific work plans, the ability to take leave, provision of reasonable accommodations, referrals to the DVAL, EAP, and/or a local domestic violence service provider. Employees will be given clear information of performance expectations, priorities, and performance evaluations. Employees should be made aware that not all employees requests for resolutions can be accommodated. If a disciplinary process is initiated, special care should be taken to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems should be exhausted, including making a referral to the DVAL, EAP, domestic violence program or other relevant services, consistent with existing collective bargaining unit agreements, statute, regulations, and Authority policy.
- k. If all reasonable measures have been exhausted to resolve related performance problems of employees who are victims of domestic or gender-based violence, but the performance problems persist and the employee is terminated or voluntarily separates from employment, the employee shall be informed of their potential eligibility for unemployment insurance and the Authority shall respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits (see Labor Law § 593[1][b][i]).
- l. New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims by prohibiting status as a domestic violence victim to be considered a “pre-existing condition.” Insurance companies may not deny or cancel an insurance policy or require a higher premium or payment because the insured party is a current or former victim of domestic violence (see Insurance Law § 2612).
- m. Sex, sexual orientation, gender identity, and gender expression are all protected classes under the New York State Human Rights Law. Sexual harassment is a form of sex discrimination and is unlawful under Human Rights Law § 296.1, Human Rights Law § 296-c (for interns), Human Rights Law § 296-d (for non-employees working in the workplace), and Title VII, the Federal Civil Rights Act of 1964. Sexual harassment includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender (see page 2 for the definition of “sexual harassment”). Gender-based violence may constitute sexual harassment when it subjects an individual to inferior terms, conditions, or privileges of employment. The NFTA has a policy on sexual harassment prevention, which includes a process for the receipt and investigation of complaints of sexual

harassment. The Authority's sexual harassment and discrimination policy may be found at <https://elements.nfta.com/media/c4mbiq4t/harassment20220614eeo.pdf>.

- n. For all forms of discrimination and harassment, if an employee, including an intern or contractor working in an Authority workplace, experiences sexual harassment or discrimination on the basis of their status as a victim of domestic or other gender-based violence, or observes discrimination in the workplace, the employee may file a complaint by contacting the Office of Equal Employment Opportunity/Diversity Development.
- o. Any complaint of potential discrimination, whether oral or written, will be investigated. Furthermore, any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature must report such conduct so that it can be investigated. The Authority shall maintain the confidentiality of the complainant to the extent practical.

VI. NON-RETALIATION POLICY

The Authority shall not engage in any retaliatory practices against any employee that discloses they are a victim of domestic or gender-based violence, or any employee seeking accommodations or to exercise their rights under this policy.

The Authority will not retaliate, tolerate retaliation by any superiors, terminate, or discipline any employees for reporting information about alleged incidents of domestic violence that may have been committed by an employee, including those in management positions.

Retaliatory practices may include, but are not limited to, fewer promotions, inappropriate jokes, snide comments, excluding employee from conversations, and may be carried out by anyone, not just the original perpetrator. Retaliation includes commencing discipline against victimized employees for actions taken to promote their safety.

Any employee or agency engaging in retaliatory practices may be subject to disciplinary actions. If you believe you have been subject to retaliatory practices, please see section XI.: Violations of Policy.

VII. WORKPLACE SAFETY PLANS

The Authority has a workplace safety response plan in place and provides reasonable means to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations (see NFTA Policy No. 07-01-04).

- a. The Authority shall comply and assist with enforcement of all known Orders of Protection (OP). If requested by the victim, or by law enforcement, the Authority will provide any relevant information regarding an alleged order of protection violation.
- b. Employees are encouraged to disclose any active orders of protection to the DVAL or designated staff member at their worksite. Copies of orders of protection will be maintained in a locked, confidential location, separate from the employee's personnel file. In the event of an emergency or that the OP needs to be presented to law enforcement, the liaison, other designated staff member, VP of Human

Resources and Talent Management, or a member of executive staff shall retrieve and present the order. Employees should be made aware that they are responsible for notifying the liaison in the event of a relevant modification or revocation of the OP.

- c. When requested by the victim, the DVAL and/or Human Resources staff will work with the employee to develop a plan to how best increase safety for the victim, other employees, and the workplace. Options may include, but are not limited to:
 - i. Providing the TAPD and front desk reception staff with a copy of the Order of Protection including a photo of the perpetrator;
 - ii. Blocking the perpetrator from access to Authority property;
 - iii. Protocols for reporting to law enforcement;
 - iv. Allowing the employee to work staggered hours, an “off shift,” or move to a different work location, either temporarily or permanently;
 - v. Temporary reassignment of certain duties, such as overnight travel;
 - vi. Reassignment of parking space;
 - vii. Providing employees an escort for entry and exit from the worksite;
 - viii. Allowing TAPD to escort the perpetrator out of the building and off the worksite premises;
 - ix. Working with the employee to address any identified concerns about the use of technology;
 - x. Assigning a new email account or phone number if the perpetrator has been able to access the existing accounts;
 - xi. Creating a personalized safety plan in consultation with a local domestic or sexual violence program;
 - xii. Allowing the employee to work from an alternate workstation until further action is taken, if the employee works directly with the perpetrator; or
 - xiii. If an Order of Protection is in place and has been violated (e.g. by perpetrator showing up at workplace of victim), requiring TAPD to report the violation to the appropriate law enforcement agency.
- d. If the circumstances indicate a need for the Authority to take steps to increase safety for the victim, other employees, and the workplace, the Authority will follow its Workplace Violence Policy.

VIII. ACCOUNTABILITY FOR EMPLOYEES WHO ARE OFFENDERS

The Authority shall hold accountable employees who engage in the following behaviors including, but not limited to:

- a. Used Authority resources, including time, to commit an act of domestic or gender-based violence;
- b. Committed an act of domestic or gender-based violence from or at the workplace, or from any location conducting Authority business, except for locations where employees are telecommuting; or

- c. Used their job-related authority and/or Authority resources in order to negatively affect victims of domestic or gender-based violence and/or assisted perpetrators in locating a victim and/or in perpetrating an act of domestic or gender-based violence;

Acts of domestic or gender-based violence that occur outside of the workplace can subject a person to administrative and/or disciplinary action.

If the Authority has found that an employee has committed any act of gender-based violence, including making threats or harassment at or from the workplace using any Authority resources such as work time, Authority-owned telephones or mobile phones, e-mail, or by any other means, the Supervisor, in conjunction with Human Resources and Labor Relations, shall take any and all steps necessary to hold the employee accountable through administrative and/or disciplinary action in accordance with existing collective bargaining agreements, applicable statutes, and/or regulations. This should include referrals to Accountability Programs for Person who Cause Harm.

Actions may include, but are not limited to:

- a. Administrative leave;
- b. Cease and desist memoranda;
- c. Removing/modifying chain of supervision pending an official report;
- d. Relocation of employee alleged to abuse to another worksite;
- e. Surrender of work mobile phone, laptop, *etc.*;
- f. Revocation of permanent employment status (reverting to contingent or probationary status);
- g. Mandated participation in an Accountability Programs for Person who Cause Harm; or
- h. Termination.

The Authority shall determine if corrective action or disciplinary action is warranted, in accordance with existing collective bargaining agreements, relevant statutes, and regulation if the Authority has received verification that an employee is responsible for any gender-based violence related offense, or is the respondent on any order of protection, including temporary, final, and/or out-of-state orders because of a gender-based violence related offense, and said employee has any job functions that include:

- a. the power to take actions that directly affect victims of gender-based violence domestic violence; and/or
- b. actions which may protect perpetrators from appropriate consequences for their behavior.

Any employee who intentionally uses the authority of their employment and/or misuses any Authority resources in order to:

- a. negatively affect any victim of gender-based violence;
- b. assist a perpetrator in locating a victim;
- c. assist a perpetrator in committing any act of gender-based violence; or
- d. protect a perpetrator from receiving appropriate consequences

shall be subject to corrective or disciplinary action, in accordance with existing collective bargaining agreements; applicable statutes, and regulations.

Any employee who would like to report information about an alleged act of gender-based

violence committed by an employee may do so by contacting the VP of Human Resources and Talent Management, the Anti-Discrimination Investigations Division at the NYS Office for Employee Relations (<https://antidiscrimination.oer.ny.gov/>) or the NYS Inspector General's Office by calling the toll-free hotline at 1 (800) 367-4448 where trained staff will discuss the specifics of your complaint.

IX. FIREARMS

Pursuant to New York State and Federal Law, under certain circumstances any person convicted of a domestic violence-related crime, or who is subject to any order of protection, forfeits the right to lawfully possess a firearm or long gun. Additionally, federal law contains prohibitions relating to shipping, transportation, or receiving firearms or ammunition.

In addition to complying with State and Federal Law, employees who are authorized to carry a firearm as part of their job-related duties are required to notify the Authority if they are arrested for a domestic violence-related offense and/or are served with an order of protection. Under certain circumstances, such employees are responsible for surrendering their firearms to the issuing agency or to the appropriate law enforcement agency.

Should an employee fail to comply with the above listed requirements of this policy, they would be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statute, or regulations. In addition, law enforcement may be notified for possible criminal charges.

X. TRAINING

a. Domestic Violence Agency Liaisons (DVALs):

1. DVALs shall complete a Gender-Based Violence and the Workplace training provided by OPDV.
2. DVALs shall complete an initial one-day training provided by OPDV.
3. DVALs shall attend quarterly meetings hosted by OPDV, which will provide ongoing training and technical assistance.
4. Appropriate managers, supervisors, Employee Assistance Program staff, human resources personnel, union and labor representatives, and TAPD staff may also attend the OPDV DVAL one-day or quarterly trainings.

b. Employee Assistance Program (EAP) Staff: All employees who function as EAP coordinators must participate in annual training provided by OPDV on Gender-Based Violence and the Workplace training.

c. Human Resources: All employees who are employed in human resources positions must participate in two annual trainings provided by OPDV:

1. Gender-Based Violence and the Workplace training, and
2. Gender-Based Violence Workplace Safety Planning training.

d. Supervisors: All employees who are supervisors must participate in an annual Gender-Based Violence and the Workplace training provided by OPDV.

e. All employees: The Authority shall consider requiring all employees to attend an

annual Gender-Based Violence and the Workplace training provided by OPDV. OPDV will provide ongoing training opportunities and technical assistance about domestic and gender-based violence and its impact on the workplace to all agencies. Training will be offered to all employees on a regular basis. To request specific training from OPDV, please send an email to workplace@opdv.ny.gov.

E) Data Collection and Reporting to OPDV:

Information regarding employees who are a victim of domestic or gender-based violence, as well as those who are disciplined for violating this policy, shall be maintained by the DVALs and reported to OPDV by the VP of Human Resources and Talent Management on a semi-annual basis, and at any time, upon request from OPDV. Reporting to OPDV shall be done in aggregate form without any personally identifying information. Data from January through June will be due no later than July 30, and data from July through December will be due no later than January 30.

The following information shall be collected:

- a. All incidents of gender-based violence that take place at a workplace, or while the employee is on Authority time, shall be documented to the best of the Authority's ability, consistent with applicable law and agency policy, categorized by domestic violence and sexual violence;
- b. The general nature of the incidents that occurred in the workplace;
- c. The number of employees who report being a victim of current or past domestic violence;
- d. The number of employees who make contact with the liaison with concerns that a co-worker is experiencing domestic violence or gender-based violence;
- e. The number of employees who are referred for discipline as a result of violating section G of this policy;
- f. The number of employees who contact the DVALs to request information on domestic violence services;
- g. The number of referrals made to domestic violence service providers, employee assistance programs (EAP), or other applicable services;
- h. The number of orders of protection that are reported to the Authority.

XI. VIOLATIONS OF POLICY

Any employee who wishes to report any alleged violations of this policy may do so by contacting OPDV, the VP of Human Resources and Talent Management, or the NYS Inspector General's Office by calling the toll-free hotline at 1 (800) 367-4448 where trained staff will discuss the specifics of your complaint.

For complaints of workplace discrimination, an Authority employee may file a complaint with the NFTA Office of EEO/Diversity Development (<https://elements.nfta.com/media/i5yj1kls/titlevicomplaintform-faa-2022.docx>), directly with the Federal Transit Administration at FTA, Office of Civil Rights, 1200 New Jersey Ave., SE, Washington, DC 20590, or with the New York State Department of Human Rights.

This includes complaints related to denials of reasonable accommodations.