



New York State
Tug Hill Commission

Consolidated Procedures, Principles and Policies

adopted July 15, 2024

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Tug Hill Commission**

**Consolidated Procedures, Principles
and Policies**

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A. Background

Originally established as the Temporary State Commission on Tug Hill in 1973, the New York state legislature adopted legislation in 1998 to make the Tug Hill Commission (“Commission”). The legislation, Article 37 of Executive Law¹, sets out that “the purpose of the commission is to enable local governments, private organizations, and individuals to shape the future of the Tug Hill region, and to demonstrate and communicate ways that this can be done by other rural areas.”²

The purpose of this document is to set out the Procedures, Principles and Policies that guide the internal operation of the Commission and its relationships with other agencies, local governments and the residents of the Tug Hill region.

This “Consolidated Procedures, Principles and Policies” document was adopted by the full Commission at a regular meeting held July 15, 2024 on the recommendation of a four (4) member Review Committee appointed by Commission Chair Jan Bogdanowicz consisting of Commissioners Tom Boxberger, Leona Cheresnoski, Robert Keller and William Scriber and Executive Director Katie Malinowski.

This document incorporates in whole or in part, and supersedes the following (listed by date of adoption):

- Personnel Policies and Guidelines, originally adopted May 31, 1974 and last amended June 21, 2022
- Bylaws of Tug Hill Commission, originally adopted January 27, 1982 and last amended March 31, 2010
- Tug Hill Commission’s Roles Regarding Major Issues Affecting the Tug Hill Region, adopted November 14, 1986
- Policy of The New York State Tug Hill Commission on Councils of Government and for Circuit Rider Services, adopted December 3, 2004
- Policy Regarding Tug Hill Commission Jurisdiction Pursuant To Article VII of the Public Service Law, adopted December 3, 2004
- New York State Tug Hill Commission Fleet Management Policy” adopted December 29, 2009
- Ethical Guidelines for Tug Hill Commission Members, adopted October 17, 2012
- NYS TUG HILL COMMISSION MISSION STATEMENT, adopted March 30, 2016
- NYS TUG HILL COMMISSION VISION STATEMENT, adopted March 30, 2016
- NYS TUG HILL COMMISSION OPERATING PHILOSOPHY, adopted April 18, 2016
- Sexual Harassment Prevention Policy, adopted 2018
- Intern Policies and Guidelines, adopted April 20, 2020
- NYS Tug Hill Commission Information Technology Policy, adopted September 21, 2020
- Tug Hill Commission Video Conferencing Policy, adopted May 16, 2022
- Outside Employment Policy, adopted March 20, 2023
- Tug Hill Commission Outside Region Policy, adopted December 11, 2023

¹ the full text of Article 37 of New York Executive Law is included in the Appendix

² Executive Law §847-a

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B. Procedures - How the Commission Conducts Business³

1. Commissioners

The Commission shall be managed by nine (9) Commissioners appointed pursuant to Executive Law §847-b.⁴ Commissioners are public officers and subject to the provisions of New York Public Officers Law §§73, 73-A and 74⁵ and New York Labor Law §201-g⁶. Commissioners receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties.

2. Commission Meetings

- a. Meeting Time and Place - The Commission may hold its meetings at such places within New York State and at such times, as it may from time to time determine. Preference for meeting locations shall be within the Tug Hill region. Commission meetings shall be open to the public and subject to the provisions of Article 7 of the New York Public Officers Law ("Open Meetings Law").
- b. Meeting Agenda - The meeting agenda shall be developed by the Chair with input from other Commissioners and the Executive Director. Commission meetings shall include an open period for public comment. Individuals or organizations may request in advance to be placed on the Commission agenda to present information relevant to the Commission's deliberations or statutory responsibilities; and the Commission, no later than its next formal meeting following receipt of such request, if appropriate, shall set a date and time for such presentation.
- c. Quorum Required - A quorum of a majority of the whole number of Commissioners authorized by the Commission's enabling statute is required for the transaction of business.
- d. Presiding - The Chair or Vice-Chair shall preside at all meetings of the Commission. In the event of the absence of both the Chair and the Vice-Chair, the Secretary shall preside. When it is necessary for the Secretary to preside at a meeting, or if the Secretary is absent from a meeting, the presiding officer shall designate a member to act as Secretary.
- e. Ethical Considerations⁷
 - i. Potential Conflicts of Interest - Consistent with the requirements of Public Officers Law §74 specifically subsections 2 and 3⁸ Commissioners should review their employment and other associations and relationships, on an ongoing basis for potential conflicts and seek guidance from the Commission's Ethics Officer

³ abridged from the "Bylaws of Tug Hill Commission", originally adopted January 27, 1982 and last amended March 31, 2010

⁴ see Appendix

⁵ the full text of Public Officers Law §§73, 73-A and 74 are included in the Appendix

⁶ the full text of New York Labor Law §201-g is included in the Appendix

and Counsel when necessary and appropriate to determine the correct course of action.

- ii. **Recusal** - Commissioners shall recuse themselves from Commission deliberations and / or votes on matters relating to any organization, entity or individual where a conflict of interest exists or their impartiality in the deliberation or vote might be reasonably questioned.
- f. **Video Conferencing** - Commissioners may participate in meetings using video conferencing technology in a manner consistent with Public Officers Law §103-a and the Commission's policy on video conferencing.⁹

3. Action of the Commission

The vote of a majority of the whole number of Commissioners authorized by the Commission's enabling statute shall be the act of the Commission. Each Commissioner present shall have one vote. Voting by proxy is prohibited.

4. Officers

- a. **Election and Term** - Commissioners shall elect a Chair, a Vice-Chair, and a Secretary at a duly designated organizational meeting at least one month prior to the expiration of officer terms. Terms of office shall be two (2) years. Terms shall commence on January 1st following elections, unless the election is to fill a vacancy to complete a term which shall take effect upon closing of the elections. Each officer shall hold office until their term has expired, or they have resigned the position, or been defeated in an election or replaced by an appointing authority.
- b. **Method of Elections** - A secret ballot election, overseen by the Secretary and at least one other Commissioner, shall be conducted unless there is an uncontested slate and the full Commission agrees to allow the Secretary to cast one ballot for the full body.
- c. **Election to Fill an In-Term Vacancy** - The election of officer(s) for any in-term vacancy shall be held at the first Commission meeting after a duly scheduled Commission meeting at which nomination(s) from the floor were made for the vacated office(s).
- d. **Nominating Committee** - At least two (2) months prior to the designated organizational meeting the Chair shall designate a nominating committee composed of at least three (3) Commissioners. The nominating committee shall solicit interested candidates from sitting Commissioners and present a slate of candidates to the full Commission membership at least one (1) month prior to the organizational meeting. A slate of one or more candidates

⁷ "Ethical Guidelines for Tug Hill Commission Members", adopted as a stand-alone policy October 17, 2012 and abridged herein

⁸ see Appendix

⁹ "Tug Hill Commission Video Conferencing Policy", adopted as a stand-alone policy May 16, 2022, amended and set out herein at §D.4.

for each office presented to the full Commission at a duly constituted Commission meeting shall require a motion and second in order to be established as the slate. Nominations shall remain open until the organizational meeting when other nominations may be made from the floor. Nominations from the floor are not required to be seconded in order to be considered.

e. Officers and Their Duties

- i. Chair - The Chair shall preside at all meetings of the Commission. The Chair shall establish committees as needed and appoint members to serve on them. The Chair shall perform the other functions and have the other powers specified by the Commission from time to time.
- ii. Vice-Chair - During the absence or disability of the Chair, the Vice-Chair shall have all the powers and functions of the Chair.
- iii. Secretary - The Secretary shall certify the minutes of the Commission. The Secretary shall preside at meetings of the commission when the Chair and Vice-Chair are absent.

5. Employees

- a. Appointment of Employees - Commissioners shall appoint the Executive Director and Counsel. The Executive Director shall be responsible for the hiring and firing of employees. All employees of the Commission are public officers and subject to the provisions of New York Public Officers Law §§73, 73-A and 74.¹⁰
- b. Classification of Employees - Pursuant to its Enabling Statute (at §847-f.) employees of the Commission are Management / Confidential and shall be appointed, compensated and receive benefits under New York's Management / Confidential system.
- c. Executive Director - The Executive Director shall have the authority to sign contracts that bind the Commission. The Executive Director shall have the general management of the affairs of the Commission and shall see that all directives of the Commission are carried into effect.

6. Financial Management

- a. Annual Budget
 - i. The Executive Director shall propose a budget for the Commission for personal and non-personal services that is within the amounts allocated for the Commission in the finalized New York state budget and other sources of revenue such as grants, contracts, etc..

¹⁰ see Appendix

- ii. After reviewing the Executive Director's proposed budget, the Commissioners shall adopt the annual budget either as presented or with amendments.
- iii. During the year the Commissioners may from time-to-time either at the request of the Executive Director or on their own initiative amend the previously approved annual budget.
- iv. The following limits apply if unexpected circumstances occur which require the expenditure of unbudgeted amounts:
 - 1. the Executive Director may spend up to \$5,000.00 but shall report the expenditure to the Commissioners at their next meeting;
 - 2. for expenditures over \$5,000.00, approval of a majority of the Commissioners as an amendment to the budget is required.

b. Executive Director's Salary - The Commission shall set the Executive Director's salary.

7. Amendments to Commission Procedures, Principles and Policies

These Procedures, Principles and Policies may be altered, amended, or repealed in whole or in part and new Procedures, Principles and Policies adopted by approval of a majority of the Commissioners. Any amendment to adopt, amend or repeal the Procedures, Principles and Policies must be made by a motion of a Commissioner and seconded at a meeting where a quorum of the Commissioners are present. The proposed amendment shall be considered at the next Commission meeting at which a quorum is present.

C. Principles

1. Purpose¹¹

As set forth in the Commission’s enabling statute, “The purpose of the Commission is to enable local governments, private organizations, and individuals to shape the future of the Tug Hill region, and to demonstrate and communicate ways that this can be done by other rural areas. Commission programs are geared toward the conservation and productive use of the natural resources of the region, strengthening the long-term economy, employment, cultural and social resources, and the general well-being of the rural communities.”¹²

2. Vision¹³

The Commission works toward a region where communities work together effectively and with a shared clear idea of the kind of natural environment and economy they want into the future. This joint local action is “the most enduring and cost-effective method of retaining the rural and remote character of this land, and of retaining the independent way of life of its people and their economy.”¹⁴

3. Operating Philosophy¹⁵

The Commission:

- a. operates based on the assumption that local people with good information can make the best decisions about the future of their communities;
- b. encourages communities to think regionally and even globally, and to think in terms of the future, short and long term, in their local decision making;
- c. does not have a plan for the region; instead it helps communities create and act on their plans for the future;
- d. does not have or seek regulatory or coercive powers;
- e. does not interfere in local matters; instead it responds to local requests;
- f. encourages innovative approaches, taking some risks when communities are comfortable with this, and sharing its experiences with other areas, especially in rural New York;
- g. assists Tug Hill communities, and adjacent communities as necessary, and organizations in project development by connecting them with needed resources, in a way that builds local capacity.

¹¹ “NYS Tug Hill Commission Mission Statement”, adopted March 30, 2016

¹² Executive Law §847-a

¹³ “NYS Tug Hill Commission Vision Statement”, adopted March 30, 2016

¹⁴ Executive Law §847-a

¹⁵ “NYS Tug Hill Commission Operating Philosophy”, adopted April 18, 2016

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D. Commission Internal Policies

1. Personnel Policies and Guidelines¹⁶

The Commission recognizes that dedicated, competent employees are critical to the success of its local government support and policy analysis programs. The Commission also recognizes that it has unique personnel requirements related to employee qualifications, duties and compensation pursuant to its enabling legislation.

- a. Employees Management Confidential - The Commission follows the Handbook for Management Confidential Employees (goer.ny.gov/management-confidential-mc) to govern the appointment, compensation, programs and benefits available to its employees except where required by its enabling legislation and Commission mission specific needs.¹⁷
- b. Appointment - Pursuant to the Commission's enabling legislation, all employees are management / confidential ("M/C") of the exempt, non-competitive class (at §847-f.). As such their employment is "at will." The Commissioners shall be responsible to appoint and remove the Executive Director. The Executive Director shall be responsible to appoint and remove all other personnel within a budget and structure approved by the Commissioners.
- c. Employees Subject to New York Ethics Statutes - All employees of the Commission are public officers and subject to the provisions of New York Public Officers Law §§73, 73-A and 74¹⁸.
- d. Employees Subject to New York Sexual Harassment Statute - All employees of the Commission are subject to the provisions of New York Labor Law §201-G¹⁹. The Commission's "Sexual Harassment Prevention Policy" is set out in full in §D.2. of this document.
- e. Probationary Period - All newly hired employees will be subject to a six-month probationary period after which their performance and employment status will be reviewed. At the discretion of the Executive Director and the employee's supervisor the employee's probationary period may be extended for an additional three-month period.
- f. Compensation
 - i. Salary and Position Structure - The Executive Director and the Commissioners will approve a salary and position structure chart with the number and grade level of positions at the Commission to guide the appointment to and compensation for

¹⁶ "Personnel Policies and Guidelines", originally adopted May 31, 1974 and last amended June 21, 2022

¹⁷ Executive Law §847-f.

¹⁸ see Appendix

¹⁹ see Appendix

those positions. All positions shall be grade equivalent to the most current M/C statutory salary schedule.

- ii. Job Descriptions - The Executive Director is responsible for establishing job descriptions for each position deemed necessary to carry out the objectives of the Commission. These descriptions should reflect similar positions established by the Department of Civil Service at the time employment begins and reclassification at a later date is at the discretion of the Executive Director. Job descriptions are to include:
 - 1. complete description of duties required for each position;
 - 2. minimum qualifications of each position; and
 - 3. salary grade levels for each position based on the most current M/C salary schedule.

g. Non-Compensatory and Compensatory Time

- i. It is the policy of the Commission to hold overtime to a minimum, although employees may occasionally be required to work beyond the basic work week.
- ii. All positions allocated or grade equivalent to a Grade 23 or above are ineligible to accrue non-compensatory or compensatory time.
- iii. In general, eligible employees who work in excess of the 37.5-hour basic workweek are entitled to non-compensatory time on a straight-time basis for the first 2.5 hours of overtime. Compensatory time will be calculated on a 1.5x basis for hours worked over 40 hours in a basic work week. Supervisors shall monitor overtime to ensure that such time is necessary and commensurate to out-of-office meeting demands and workload. Accrued non-compensatory time (time accrued between 37.5 and 40 hours/week) and compensatory time (time accrued over 40 hours/week) should be kept to a minimum (generally not to exceed 37.5 hours).
- iv. Unused accrued non-compensatory time and compensatory time will not be transferred when an employee leaves service of the Commission.
- v. Working on Saturday, Sunday, or holidays is discouraged, except in the following circumstances, which must be pre-approved by the employee's supervisor:
 - 1. the employee is attending a conference, workshop, out-of-office meeting, or other required engagement;
 - 2. the employee is required to undertake office-type work to meet a deadline;
 - 3. the employee is undertaking office-type work in exchange for time off taken during the regular work week.
 - 4. Circumstances 1., 2. and 3. should occur very rarely and only when pre-approved by the employee's supervisor. No hours worked under circumstance 3. qualify as compensatory time.

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- h. Alternate Work Schedule - Every employee has a typical workday schedule. However they are authorized to adjust their work hours to meet work demands and keep daily hours to 7.5. This should be done in consultation with their supervisors. Additionally, employees should use Leave and Accrual Tracking System ("LATS") to balance their Thursday through Wednesday work week to equal 37.5 hours before accruing non-compensatory or compensatory time.
 - i. Consultants - Where feasible, the Commission will use consultants and contracts rather than expand staffing. On the other hand, it is recognized that most of the local government support and policy analysis functions now in place need to be staffed if there is to be a dedicated, developing workforce to accomplish Commission objectives.
 - j. Attendance and Leave Benefits
 - i. Basic Work Week - The basic work week for full-time annual salaried employees of the Commission is 37.5 hours. Alternative work schedules, including staggered hours, flextime, and compressed schedules, are available at the discretion of the executive director or the employee's supervisor. This does not preclude an employee from being directed to work additional hours, whether or not eligible for non-compensatory or compensatory time.
 - ii. Basic Work Day - The basic work day is 7.5 hours with two 15-minute breaks (included in the 7.5 hours) and a minimum 0.5 hour lunch break (not included in the 7.5 hours). Employees must take one (1) 30 minute break during any work period lasting 6 hours. The office is generally open between the hours of 8am and 5pm Breaks are allotted on a use it or lose it basis for each day and cannot be used to reduce the total length of an employee's workday (e.g. 8 hours with a 0.5-hour lunch break).
 - k. Leaves
 - i. The State of New York provides many types of leave, paid and unpaid, for its employees. Paid leave generally includes, but is not limited to, vacation, holiday, personal and sick leave as outlined in the Handbook for Management/Confidential Employees (see §D.1.a. above).
 - ii. Extended Medical Leave - Requests for extended medical leave will be considered when the employee uses the Reasonable Accommodation Healthcare Provider Form²⁰, which must be completed by both the employee and the employee's medical provider. This is to ensure that the employee is accommodated with the appropriate leave (Family and Medical Leave Act ("FMLA"), Paid Family Leave ("PFL"), sick leave, etc.) or alternative work arrangement for each employee's circumstance and to provide enough time for the

²⁰ see Appendix

Commission to be able to meet the needs of the employee and to continue to carry out its mission.

- iii. Leave Notification - All employees are expected to be in regular communication with their supervisors and team members about their leave, especially if it requires a last-minute change. In general, employees should disclose their work plans in the Monday morning huddle as well.

Employees must put planned leave (personal, vacation, non-compensatory time, compensatory time) on the Commission shared on-line vacation calendar, preferably one to two weeks in advance. For leave of five or more consecutive days, employees must submit time off plans in writing to their supervisor at least four weeks in advance for prior approval.

- iv. Holiday Compensation - When employees are on or commencing leave without pay that begins or ends adjacent to a holiday, the holiday shall be credited.
- v. Other Leaves

Employees are eligible for leaves, not accrued against accumulated leave, for a variety of purposes, including Civil Service examinations, jury duty, civil defense duty, ordered military duty, cancer screenings, bone marrow and organ donation, and professional examinations and meetings.

With respect to attendance at professional examinations, meetings, conferences or seminars, employees may be allowed time off from work without charge to leave credits at the discretion of the employee's supervisor.

The Commission also authorizes employee attendance at work related retreats, meetings, celebrations and the like without any charge to leave credits. Employees must attend such discretionary events in order to be eligible for such leave.

This policy neither limits nor guarantees the amount of time that may be approved for such purposes outlined above.

1. Teleworking

Teleworking or telecommuting, working from home or another location on a full- or part-time basis, is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the Commission's mission and workload. The Commission has the right to refuse to make teleworking available to an employee and to terminate a teleworking arrangement at any time.

The only pre-approved teleworking position at the Commission is that of Circuit Rider (i.e. municipal management consultant).

With respect to teleworking when an employee is to be out on extended leave (e.g. maternity, FMLA) such telework arrangements shall be established and approved by the employee's supervisor and / or the executive director on a case-by-case basis.

Periodically employees have the need for teleworking due to work schedule needs around meetings, severe weather events, outside personal commitments, etc. where an employee may request to telework. Such arrangements shall be prior approved by the employee's supervisor. Such telework is not to be routine, but a benefit to accommodate unique circumstances.

m. Outside Employment²¹ -

- i. Employees of the Commission may be allowed outside employment provided such employment:
 1. in no way interferes with the performance of the employee's duties;
 2. is performed outside the employee's approved work schedule, without use of any Commission equipment or property and away from Commission offices; and
 3. is not a real or perceived conflict of interest.
- ii. The Outside Employment policy applies to all employees of the Commission.
- iii. Guidance and Implementation - "Outside Employment" includes self-employment, consulting activities and volunteer activities that, if compensated, could be considered outside employment.
 1. The outside employment policy is to be reviewed with all Commission employees at least once annually. New employees are to be instructed on the outside employment policy during their first month of employment.
 2. Employees are not required to notify their supervisor of outside employment if it is conducted outside of regular work hours, off premises, and does not require the job skills and / or qualifications used in his / her employment at the Commission.
 3. Employees are required to request approval for outside employment if the outside employment is conducted during regular work hours, on premises, or if it requires the same job skills and / or qualifications used in his / her employment at the Commission, includes activities engaged in by Commission staff, or if it presents a real or perceived conflict of interest.
 4. When required, requests for approval of outside employment are to be submitted to a supervisor prior to beginning that employment.
 5. Each employee's request for outside employment is to be reviewed and decided on its own merits, considering such factors as the type of work to be done, the type of business and the duration of employment.

²¹ "Outside Employment Policy", adopted March 20, 2023

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6. Approval for outside employment is valid for one calendar year or until the outside employment changes. Each change in outside employment meeting the guidelines outlined in 3, above, requires specific prior approval.
 7. If the outside employment negatively impacts on the employee's work at the Commission, a supervisor may withdraw approval for that outside employment. The employee and the executive director are to be notified if approval for outside employment is withdrawn. This notification should provide the reason(s) for this action.
- iv. Prohibited Outside Employment - Commission employees may not be employed or act in a volunteer capacity in elective or appointed positions in local, county or other state government or agencies.
 - v. Non-Compliance - Failure to obtain prior approval for outside employment when approval is required under this policy, or engaging in outside employment when such approval has been denied, may result in disciplinary action, including dismissal.
- n. Employee Performance Evaluations - Each employee shall receive an annual performance evaluation, using the Commission's employee performance program. These evaluations will not be used in connection with compensation unless a person's performance is unsatisfactory. The purpose of evaluation is professional development and program improvement. Performance evaluations are to be made by the employee's supervisor.
 - o. Professional Development - The Commission will support staff training and professional development activities to help the employee do a better job and advance within the agency.
 - p. Office Use and Etiquette - Employees and Interns shall:
 - i. adhere to the Commission's Sexual Harassment Prevention Policy (§D.2. (below))
 - ii. adhere to the Commission's Information Technology Policy (§D.3. (below)) regarding all computer and other technology use;
 - iii. not use office copiers and / or printers for personal use;
 - iv. limit use of personal phone calls during the workday; and
 - v. dress appropriately for a professional office environment. T-shirts, short pants, and hats are not approved. Exceptions may be made for field work.

q. Circuit Riders²² -

The Commission recognizes and values the Tug Hill ideology of grass-roots decision making and that collaboration among local decision makers is highly effective in attaining shared objectives. This approach led to the establishment of Councils of Governments (“COGs”) in the Tug Hill Region.

One of the most successful outcomes of the COGs has been the position of Circuit Rider. The Circuit Rider position was created to enhance the capacity of local governments within the region, to add value to the expertise of Commission staff, and to serve as a vehicle for improved communication and cooperation between COG member municipalities. Over the years the position of Circuit Rider has evolved from a part-time technical assistance agent to a full-time, trained professional position.

The COGs, while maintaining their independence and local accountability, have come to recognize that to attract and retain quality personnel, the establishment of Circuit Rider as an employee of the Commission is a necessary incentive. Likewise, while accepting and promoting the home-rule value of the COGs and their sovereignty in setting direction for their communities, the Commission recognizes the value of Circuit Riders as Commission employees.

To that end, the Commission supports the region’s COGs in a collaborative, shared arrangement for the support and administration of Circuit Rider based on the following:

- i. Hiring: The COG will conduct the search, recruitment, and hiring of the Circuit Rider in partnership with the Commission;
- ii. Work Program: The overall annual work program for the Circuit Rider will be determined by the COG and discussed with the Commission to assure adequate Commission resources;
- iii. Direction of Activities: The Commission will oversee the day-to-day activities of the Circuit Rider in compliance with the annual work program and priorities established by the COG;
- iv. Supervision: As an employee of the state, the Commission is required to provide administrative supervision of the Circuit Rider with respect to time, attendance and compliance to state and Commission personnel policies. Supervision and management of employee performance is the responsibility of the Commission, however, the COG may recommend to the executive director disciplinary action based on the Circuit Rider’s performance, including termination;

²² “Policy of The New York State Tug Hill Commission on Councils of Government and for Circuit Rider Services”, adopted December 3, 2004, abridged herein

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- v. Evaluation: The COG and the Commission will jointly provide annual performance evaluations of the Circuit Rider;
 - vi. Salary and Benefits: The salary and benefits of the Circuit Rider will be the responsibility of the Commission; and
 - vii. Other Expenses: Other expenses related to Circuit Rider services (e.g. Assistant Circuit Riders, office, travel, training, etc.) will be a shared and negotiated responsibility between the COGs and the Commission;
- r. Interns²³
- i. Basic Work Week - Intern work week is the same as for Commission employees set out in §D.1.j.i. Alternative work schedules, including staggered hours, flextime, and compressed schedules, are available at the discretion of the intern's supervisor and / or intern sponsor.
 - ii. Basic Work Day - Intern work day is the same as for Commission employees set out in §D.1.j.ii.
 - iii. Office Use Restrictions
 - 1. Interns shall not be allowed in the Commission office without the presence of at least one full-time staff member.
 - 2. Interns shall not be accompanied in the Commission office or on Commission business by others not employed by the Commission, such as spouses, domestic partners, family members, or friends except as necessitated by rare circumstances and approved by the intern's supervisor.
 - 3. Interns shall not be allowed to drive Commission vehicles.

²³ "Intern Policies and Guidelines", adopted April 20, 2020, abridged herein

2. Sexual Harassment Prevention Policy²⁴

- a. Introduction - The Commission is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Commission has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace.

This policy is one component of the Commission's commitment to a discrimination-free work environment. Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Commission, or with a government agency or in court under federal, state or local antidiscrimination laws.

This policy is adopted pursuant to the authority of New York Labor Law §201-g.²⁵

b. Policy -

- i. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Commission.
- ii. 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, up to and including termination.
- iii. Retaliation Prohibition - No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint.

The Commission has a zero-tolerance policy for such retaliation against anyone who, in good faith, complains or provides information about suspected sexual harassment. Any employee of the Commission who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination.

Any employee, paid or unpaid intern, or non-employee¹ working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the executive director. Any employee, paid or unpaid

²⁴ Sexual Harassment Policy, adopted 2018 pursuant to New York Labor Law §201-g

²⁵ Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

intern or non-employee²⁶ who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections (section D.2.h. below).

- iv. Sexual harassment is offensive, is a violation of Commission policies, is unlawful, and subjects the Commission to liability for harm to victims 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 knowingly allow such behavior to continue, will be penalized for such misconduct.
- v. The Commission will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. 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.
- vi. All employees are encouraged to report any harassment or behaviors that violate this policy. The Commission provide all employees a complaint form for employees to report harassment and file complaints²⁷.
- vii. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the executive director.
- viii. 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 posted prominently in all work locations and be provided to employees upon hiring.

c. Definition of Sexual Harassment

- i. 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, gender identity and the status of being transgender.
- ii. 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:
 - 1. such conduct has the purpose or effect of unreasonably interfering with an

²⁶ A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing 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.

²⁷ see Appendix

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- individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
2. such conduct is made either explicitly or implicitly a term or condition of employment; or
 3. submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
- iii. A sexually harassing hostile work environment consists of 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.
- iv. 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.
- v. Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.
- vi. Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:
1. Physical assaults of a sexual nature, such as:
 - a. Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
 - b. Rape, sexual battery, molestation or attempts to commit these assaults.
 2. Unwanted sexual advances or propositions, such as:
 - a. Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - b. Subtle or obvious pressure for unwelcome sexual activities.
 3. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
 4. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - a. Displaying pictures, posters, calendars, graffiti, objects,

- promotional material, reading materials or other materials that are sexually demeaning or pornographic.
 - b. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 - 5. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - b. Sabotaging an individual's work;
 - c. Bullying, yelling, name-calling.
- vii. Anyone can be the 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. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.
- viii. Sexual harassment can occur anywhere - 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 or not during work hours.

d. **Definition of Retaliation**

- i. Unlawful retaliation can be any action that would keep 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.
- ii. 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:
 - 1. filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
 - 2. testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
 - 3. opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

4. complained that another employee has been sexually harassed; or
5. encouraged a fellow employee to report harassment.

e. **Reporting Sexual Harassment**

- i. **Preventing sexual harassment is everyone's responsibility.** The Commission 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 the executive director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the executive director.
- ii. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is set out in the Appendix²⁸, 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. The complaint form is in the appendix to this document.
- iii. Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections (section D.2.h. below).

f. **Supervisory Responsibilities**

- i. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the executive director.
- ii. 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.
- iii. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

g. **Complaint And Investigation Of Sexual Harassment**

- i. **All** complaints or information about suspected 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

²⁸ Tug Hill Commission Sexual Harassment Complaint Form

the extent possible.

- ii. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within thirty (30) days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.
- iii. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.
- iv. Investigations will be done in accordance with the following steps:
 - 1. Upon receipt of complaint, the executive director will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the Tug Hill Commission Sexual Harassment Complaint Form in writing. If he or she refuses, a Complaint Form will be prepared based on the oral reporting;
 - 2. If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them;
 - 3. Request and review all relevant documents, including all electronic communications;
 - 4. Interview all parties involved, including any relevant witnesses;
 - 5. create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. a list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. a list of names of those interviewed, along with a detailed summary of their statements;
 - c. a timeline of events;
 - d. a summary of prior relevant incidents, reported or unreported; and
 - e. the final resolution of the complaint, together with any corrective actions action(s).
 - 6. Keep the written documentation and associated documents in the employer's records.
 - 7. Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
 - 8. Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

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- h. **Legal Protections And External Remedies** - Sexual harassment is not only prohibited by the Commission but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at the Commission, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.
- i. New York State Division of Human Rights (“DHR”)
1. The Human Rights Law (“HRL”), codified as New York Executive Law, art. 15, §290 et seq., applies to 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 DHR or in New York State Supreme Court.
 2. Complaints with DHR may be filed any time **within one (1) year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three (3) years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.
 3. Complaining internally to the Commission does not extend the time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.
 4. An attorney is not required to file a complaint with DHR, and there is no cost to file with DHR.
 5. DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination 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 monetary damages, attorney’s fees and civil fines.
 6. DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov.
 7. 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.
- ii. United States Equal Employment Opportunity Commission (“EEOC”)
1. The 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 three hundred (300) days from the harassment. There is no cost to file a
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- 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.
2. 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.
 3. If an employee believes that he/she has been discriminated against at work, he / she 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 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov
 4. 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.
- iii. Local Protections - Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, village or town in which they live to find out if such a law exists.
- iv. Contact the Local Police Department - If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

3. Information Technology Policy²⁹

- a. Applicability - This policy applies to all information technology (“IT”) hardware, software, facilities, applications, and networks that are part of the Commission’s computing and phone resources and shall serve as best practices. This policy and included guidelines and procedures are applicable to all Commission employees and will be communicated to all.
- b. Security and Accountability Overview - All information, regardless of the form or format, which is created, acquired, or used in support of Commission business activities, should only be used for Commission business. Commission information is an asset and each Commission employee has an obligation to protect this information as required and expected by these policies.
- c. Policy Monitoring and Enforcement
 - i. Computing systems and resources provided by the Commission are owned by the Commission and are therefore its property. This gives the Commission the right to monitor all voice and data traffic passing through its system. The exercise of this right will be conducted in compliance with all local, state, and federal statutes, rules and regulations governing access to identified protected, confidential communications passing through the system.
 - ii. In addition, backup copies of voice or data traffic may exist, despite end-user deletion, in compliance with any Commission records retention policy. The goals of these backup and archiving procedures are to ensure system reliability and prevent business data loss. If the Commission discovers or has good reason to suspect activities that do not comply with applicable laws or this policy, voice or data records may be retrieved and used to document the activity.
- d. Computers, Email and Internet
 - i. Every employee of the Commission will be provided a Commission-owned laptop or desktop computer and be assigned a Commission email address (i.e.[firstname]@tughill.org) to be used for all Commission related business. Every employee will be provided with a password which should be safeguarded. Employees will be notified when computer passwords need to be changed. Email access will be terminated when the employee terminates their employment with the Commission. The Commission is under no obligation to store or forward the contents of an individual’s email inbox / outbox after the term of their employment has ceased.

²⁹ “NYS Tug Hill Commission Information Technology Policy”, adopted September 21, 2020

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- ii. If an employee needs service or repair to their Commission computer, email address, or other IT related issues, they should report it to an administrative employee as soon as possible.
 - iii. Email users are responsible for mailbox management, including organization and cleaning. Email should be actively managed to ensure storage limits are not reached.
 - iv. If a mobile computing or storage device with Commission documents, emails, etc. on them is lost, stolen, or replaced, it must be reported to an administrative employee immediately.
 - v. Email users are also expected to comply with normal standards of professional and personal courtesy and conduct. Employees should use caution when communicating confidential or sensitive information via email. Employees shall consider that all email records that concern Commission business are subject to FOIL (Freedom of Information Law) requests from the public.
 - vi. Email and internet use at the Commission will comply with all applicable laws and policies. Restrictions to allow or block access to individual websites can be determined by the executive director.
 - vii. If employees use their Commission-issued email address for a Google account, they will provide the password to the appropriate administrative employee. Use of Google Drive for work purposes should only use a work-related Google account.
 - viii. The following activities are deemed inappropriate uses of Commission systems and services and are prohibited:
 - 1. use of email or internet for illegal or unlawful purposes, including but not limited to copyright infringement, obscenity, pornography, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, soliciting for illegal pyramid schemes and computer tampering (e.g. spreading of computer viruses);
 - 2. opening email attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and should be treated with utmost caution;
 - 3. sharing email account passwords with another person, attempting to obtain another person's email account password, or keeping passwords where someone else can easily access. Email accounts are only to be used by the registered user, except in extenuating circumstances (i.e. retirement, separation of service or death); and
 - 4. excessive personal use of Commission email or internet resources. No personal use of commission email should occur – employees are encouraged to set up a personal email account for personal activities. The
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Commission allows limited use of the internet so long as it does not interfere with employee productivity, pre-empt any business activity, or consume more than a trivial amount of resources.

e. Telephone and Voicemail Services

- i. All telephones, voicemail boxes and messages contained within voicemail boxes are the property of the Commission.
- ii. All voicemail boxes will be protected with a PIN. PINs must not be shared with others except in extenuating circumstances.

f. Unacceptable Use - Commission telephone, voicemail, or fax services may not be used for the following:

- i. transmitting obscene, profane, or offensive messages;
- ii. transmitting messages or jokes that violate our harassment policy or create an intimidating or hostile work environment;
- iii. soliciting to buy or sell goods or services unrelated to the Commission; or
- iv. making personal long-distance phone calls.

g. Limited Personal Acceptable Use - In general, personal use of telephone, voicemail or fax services is allowable, but must be limited in number and duration and must not interfere with performance of official business duties. Limited personal acceptable use includes:

- i. brief local calls to a spouse, domestic partner, minor child, or parent, or those responsible for them (e.g. school, daycare center, nursing home);
- ii. calls that can only be made during regular working hours, such as to a doctor or local government agency;
- iii. arrangements for emergency repairs to a residence or automobile;
- iv. a call that reasonably could not be made at another time and is of moderate duration; and
- v. an employee's work schedule changes without advance notice and the employee must notify a family member or make alternate transportation or childcare arrangements.

h. Service and Repair - If an employee needs to set up a new telephone service, modify existing details on a telephone, or if there are problems with a telephone or voicemail, they should report it to an administrative employee as soon as possible.

i. AntivirusAnti-Virus and Malware

- i. A virus or malware is a piece of potentially malicious programming code that will cause some unexpected or undesirable event. Viruses or malware can be transmitted via email or instant messaging attachments, downloadable Internet files, USB drives, and CDs. Viruses are usually disguised as something else, so their presence is not always obvious to the computer user. A virus or malware infection can be very costly to the Commission in terms of lost data, lost employee productivity, and / or lost reputation.
- ii. As a result, one of the goals of the Commission is to provide a computing network that is virus and malware free.
- iii. This element of the Commission's Information Technology Policy applies to all computers that are connected to the Commission network via a standard network connection, wireless connection, virtual private network connection or via the cloud. This includes both Commission-owned computers and personally owned computers attached or using the Commission's network and cloud computing. The definition of computers includes desktop workstations, laptop computers, handheld computing devices, smart phones, and servers.
- iv. Commission network files should only be accessed by a device up to date regarding virus protection and software updates.
- v. All Commission-issued computers attached to the Commission's network must have the currently used Commission-sponsored anti-virus software installed. This software must be active, be scheduled to perform virus checks at regular intervals, and have its virus definition files kept up to date. No employee shall remove virus protection software from their Commission-issued computer.
- vi. Any activities with the intention to create and / or distribute malicious programs on the Commission network (e.g. viruses, worms, Trojan horses, e-mail bombs, etc.) are strictly prohibited.
- vii. If any employee receives what he / she believes to be a virus or malware, or suspects that a computer is infected with a virus, the IT point of contact must be informed immediately and the employee must report the following information (if known): virus name, extent of infection, source of virus, and potential recipients of infected materials. No employee should attempt to destroy or remove a virus, or any evidence of that virus, without direction from IT.

4. Video Conferencing Policy³⁰

- a. Background - Public Officers Law §103-a³¹ allows members of public bodies to participate in meetings via video conference from a location that is not accessible to the public so long as certain conditions are met, including that a majority of the board meets from a publicly accessible location(s).
- b. Policy
 - i. A majority (quorum) of the Commission board members will meet from a publicly accessible location(s) and the public will be allowed to participate via video conference the same as they would be able to if attending in person.
 - ii. When the Commission uses video conferencing to conduct a meeting, the public notice for the meeting will inform the public that video conferencing will be used and will include directions for how the public can view and/or participate in that meeting via video conference. The notice also must include the physical location(s) where the quorum of the Commission will be meeting.
 - iii. The Commission will use video conferencing technology that allows members of the public with disabilities to participate in a manner consistent with the American with Disabilities Act.
 - iv. Commissioners should be physically present unless “extraordinary circumstances” exist.
 - v. “Extraordinary Circumstances” are defined as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes physical attendance. Additionally, video conferencing is allowed if a state of emergency pursuant to Executive Law §24 is declared by the Governor, or one of the counties or towns within Tug Hill, in which case all members of the Commission can video conference into a meeting from locations that are not accessible to the public for the duration of the state of emergency.
 - vi. To the extent practicable the Commission will stream all open meetings on its website in real-time and post recordings of those meetings on the Commission website within five (5) business days and maintain the records on the Commission’s website for five (5) years. The meeting minutes must include who participated via video conference and be made available on the Commission’s website. A transcript of the meeting will be generated upon request.
 - vii. This video conferencing policy must be posted on the Commission’s website.

³⁰ “Tug Hill Commission Video Conferencing Policy”, adopted as a stand-alone policy May 16, 2022

³¹ the full text of New York Public Officers Law §103-1 is included in the Appendix

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5. Fleet Management and Use Policy³²

- a. Background - The Tug Hill region encompasses a 2,100-square mile region and covers portions of four (4) counties. Providing technical assistance to the region's forty-one (41) towns and eighteen (18) villages makes travel, including a significant number of evening meetings, a regular part of the job for Commission employees. To support that travel, the Commission currently maintains a fleet of two (2) pool vehicles, both of which are kept in the Dulles State Office Building (SOB) parking garage. Neither vehicle is assigned to an individual employee.
- b. Purpose - The purpose of this policy is to establish criteria and procedures for the acquisition, maintenance and acceptable use of Commission vehicles. This policy shall apply to all Commission employees. An additional purpose of this policy is to maintain and protect New York State resources, to encourage consistent use of those resources and to promote consideration of and respect for those using and sharing Commission property. The Commission's policy on the use of fleet vehicles conforms to existing New York State policy to the best of the Commission's ability. It also recognizes the professionalism of Commission employees and the common interest among them in having a simple, easy-to-follow and accountable policy that is based on mutual respect, cooperation and fairness.
- c. Vehicle Acquisition
 - i. Purchasing of Commission vehicles is guided by the New York State Office of General Services (<https://ogs.ny.gov/fleet-management>). Experience has shown that the Commission's fleet of two (2) vehicles is adequate to support its travel needs for program delivery.
 - ii. The fleet has traditionally consisted of a four-wheel drive SUV and a mid-size car with each vehicle providing the necessary cargo room for transporting presentation materials and meeting supplies. The vehicles also provide adequate passenger room when employees and / or Commissioners are traveling together; saving on the need to reimburse mileage for the use of personal vehicles.
 - iii. Continuing the purchase of a four-wheel drive SUV in the future is important and highly recommended due to:
 - 1. the frequent need to travel on seasonal and minimum maintenance roads, as well as private truck trails, during the course of Commission work;
 - 2. winter travel throughout the frequently extremely snowy Tug Hill region;
 - and

³² Adopted December 8, 2025; replaces "New York State Tug Hill Commission Fleet Management Policy" dated December 29, 2009

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3. the need for passenger-carrying capability, and the transportation of supplies and presentation materials for meetings.
- iv. Replacement Vehicles: Vehicles will be considered eligible for replacement based on the following factors:
 1. availability of vehicles on state contract;
 2. mileage - when a vehicle has accumulated over 100,000 miles;
 3. repair history - if a vehicle with less than 100,000 miles is having significant maintenance issues;
 4. damage - vehicles that have been involved in an accident and damaged beyond repair or at a cost that is close to the value of the vehicle; and
 5. age of the vehicle.
 - d. Annual Vehicle Utilization Review - The Executive Director or their designee will annually review and analyze the utilization of all fleet vehicles. If a fleet vehicle accrues less than 10,000 miles in a given year, the Commission will re-evaluate the need for two (2) vehicles and act accordingly.
 - e. General Vehicle Use Guidelines
 - i. Operation of Commission vehicles must be in full compliance with all New York State laws.
 - ii. Commission vehicles may only be used for official business, and their use for any personal business is strictly forbidden and only those passengers and / or materials necessary to conduct Commission business will be transported, except where the personal use is ancillary to official business. Within reason, personal items are permitted. Employees should use discretion in this area. It is the shared responsibility of managers, supervisors, and employees to ensure that vehicles are used properly. The misuse of a vehicle may result in appropriate disciplinary action.
 - iii. Passengers are permitted to ride in Commission vehicles as long as they are required to attend an official meeting with the Commission employee operating the vehicle.
 - iv. Commission vehicles must be used when available to avoid the need for rental cars or the reimbursement of personal car mileage.
 - v. When no Commission vehicle is available, Watertown-based employees must consider the least expensive option of either renting a car or using their personal car. A trip calculator is available on <https://bsc.ogs.ny.gov/trip-calculator>. If using a personal vehicle, employees are required to fill out an expense report and will need to upload the output of the trip calculator to their expense report.
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- vi. Arrangements for scheduling / signing out the use of a Commission vehicle are to be made on the appropriate shared Outlook calendar with detail regarding when the vehicle is needed, the duration of the need and the destination. Vehicles may be signed out for several days if needed for an extended period. When more than one employee needs a vehicle for different meetings, the employee traveling the further distance should “bump” the employee traveling the shorter distance, even if the bumped employee has already signed out the conflicted vehicle. This practice results in cost savings to the Commission by reducing mileage reimbursement to employees.
 - vii. All Commission pool vehicles are to be returned each day to the SOB parking garage with at least half a tank of gas. If an employee has arranged for overnight use of a Commission vehicle, personal vehicles may be parked in the pool vehicle area.
 - viii. Drivers should remove all trash and personal items from Commission vehicles after each use.
 - ix. All Commission vehicles are furnished with a WEX fuel card for use in fueling the vehicle. These cards are to be used only in support of the vehicle to which they are assigned. All fuel purchase receipts are turned into the office for processing.
- f. Employee Vehicle Use Guidelines
- i. Only employees of the Commission are eligible to drive Commission vehicles.
 - ii. To be eligible an employee must have a valid driver’s license not under suspension, and be listed on the Commission’s vehicle insurance policy.
 - iii. Commission employees must comply with all traffic laws and regulations and will be personally liable for any penalties resulting from violations of New York State Department of Motor Vehicle, Thruway Authority, and / or municipal traffic laws and regulations that are caused or incurred by their operation of a Commission vehicle (e.g., speeding or parking tickets).
 - iv. Each employee eligible to drive a Commission vehicle has been issued an electronic Samsara System card for use to “tap” into the vehicle for each trip as the driver.
 - v. Employees with physical disabilities who own specially equipped personal cars are authorized to use their personal vehicles when automobile transportation is required to perform official Commission functions (per section D.5.j.i below).
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- g. Vehicle Misuse - The unauthorized or inappropriate use of an assigned vehicle or any violation of this policy may result in the revocation of Commission vehicle use privileges and may subject an employee to formal disciplinary actions. The unauthorized and / or inappropriate use of a vehicle is considered misuse and includes the following:
- i. use of the vehicle for personal gain;
 - ii. transportation of family or others in support of non-work-related activities;
 - iii. loaning of the vehicle to non-Commission employees or non-authorized volunteers;
 - iv. the use of a cellular or mobile device without using “hands-free” mode while driving a Commission vehicle;
 - v. the use and / or possession and / or use of alcohol, marijuana, illegal drugs or other intoxicating substances in a Commission vehicle;
 - vi. smoking in a Commission vehicle;
 - vii. carrying firearms or other weapons in a Commission vehicle; or
 - viii. the transportation of pets in a Commission vehicle.
- h. Allowable Incidental Use - When an employee is in official travel status, the employee is on official business. Employees in travel status are permitted to use Commission vehicles for transportation to home, eating places, and other places for reasonable necessities and amenities incidental to a field trip or other official business. A Commission vehicle may be taken home the day prior to and the last day of a planned trip with permission of a supervisor.
- i. Use of Private Vehicle for Agency Official Business - The most cost-efficient means of vehicle transportation will be used whenever possible. Initial consideration will always be given to the use of a Commission vehicle whenever one is available. If it is determined to be more cost-efficient or if use of a Commission vehicle is inappropriate, employees may choose to use their personal car. Program costs can vary significantly based on what method is used so careful consideration of each is required. Exceptions to the use of a Commission vehicle may include:
- i. a documented medical condition requiring use of a personal or specially modified vehicle; or
 - ii. when use of a Commission vehicle would present an unwarranted and counterproductive hardship on the employee as determined after consultation with and approval by a supervisor.

- j. Vehicle Maintenance - The Commission is responsible for providing safe and well-maintained vehicles. Regular maintenance items such as manufacturers recommended scheduled maintenance, oil changes, tire rotations, etc. will be done according to manufacturer recommendations. Both fleet vehicles will also have a New York State inspection done annually. The Commission's administrative staff will make arrangements for vehicle maintenance, in coordination with the Executive Director.
- k. Insurance and Accidents
 - i. State vehicles including Commission vehicles are insured through New York State for property damage and liability. The Commission carries a separate policy for collision loss.
 - ii. If an accident occurs involving personal injury it is imperative the employee, if able, seek medical assistance immediately for anyone injured.
 - iii. If an accident occurs involving a Commission vehicle, the driver should immediately call 911 and request an officer come to the scene. If the accident involves other vehicles, exchange drivers' names, addresses, telephone numbers and license / registration and insurance information. A crash alert will also notify the Executive Director and administrative staff.
 - iv. Drivers involved in an accident while using a Commission vehicle should notify their supervisor as soon as possible and must complete, sign and submit a Report of Motor Vehicle Accident (MV-104) form to the Commission office. If an employee is unable to report on an accident, it is the responsibility of the supervisor to submit a written report as soon as possible.

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E. Commission External Policies

1. Tug Hill Commission Relationship with Councils of Governments³³

- a. Municipalities within the Tug Hill region have long recognized the benefits of collaborating to improve the efficiency of government and to enhance the delivery of services to their constituents. In regards to the Commission, this collaborative approach has resulted in the establishment of Councils of Governments (“COGs”) serving municipalities within and immediately adjacent to the Tug Hill region.³⁴
- b. The COGs are independent, intermunicipal organizations governed by bylaws, budgets and policies adopted by their respective Boards.
- c. Although COGs are independent and self-governing, they are integral partners in the delivery of programs and services of the Commission.
- d. Within this framework, the Commission recognizes the value and function of locally formed Councils of Governments to be:
 - i. representative of their member municipalities and citizens in their communities;
 - ii. responsive to the needs of their communities and the people they serve;
 - iii. responsible for their self-governance and in establishing policies and priorities for their work; and
 - iv. regional in recognizing that they have commonality with all communities in the Tug Hill region and strive to acknowledge the ties that bind them.

³³ “Policy of The New York State Tug Hill Commission on Councils of Government and for Circuit Rider Services”, adopted December 3, 2004, abridged herein

³⁴ A complete listing of the COGs and their constituent municipal members is included in Appendix

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2. Tug Hill Commission Outside Region Policy³⁵

- a. Background - In 1998 Article 37, §847 of Executive Law was enacted to ensure the continued municipal assistance, conservation, preservation and development in the Tug Hill region by continuing the Commission permanently.
 - i. Findings - The legislature found, in §847, among other things:
 1. state assistance through the Commission to help Tug Hill local governments and organizations, those located in area the legislation describes as “lying between Lake Ontario, the Black River and Oneida Lake” being “a region of approximately twenty-one hundred square miles that encompasses towns and villages scattered in a vast acreage of forest and farmland”, is merited and needed because of the importance of these resources to the state, and because of the small population and relative poverty of the region;
 2. the purpose of the Commission is to enable local governments, private organizations, and individuals to shape the future of the Tug Hill region, and to demonstrate and communicate ways that this can be done by other rural areas. Commission programs are geared toward the conservation and productive use of the natural resources of the region, strengthening of the long-term economy, employment, cultural and social resources, and the general well-being of the rural communities, and
 3. the Commission has facilitated local action as the most enduring and cost-effective method of retaining the rural and remote character of this land, and of retaining the independent way of life of its people and their economy.
 - ii. Grant of Power to the Commission - The legislature established, in §847-c, powers and duties for the Commission. Among them are the power:
 1. to stimulate action by public and private organizations on region wide issues, problems and opportunities that affect the Tug Hill region, with primary emphasis on possible solutions at the local level;
 2. to assist local governments and other appropriate state and local organizations to plan and work for a positive future, and to do this, as far as possible, through intermunicipal cooperation and through technical assistance; and
 3. to serve a coordinating role in utilizing the capabilities of other organizations to carry out the duties prescribed in this section [§847-c]
 - iii. The Commission delivers its services primarily through regional Councils of Governments (COGs), which currently are the Cooperative Tug Hill Council, the

³⁵ “Tug Hill Commission Outside Region Policy”, adopted December 11, 2023, abridged herein

North Shore Council of Governments, the Northern Oneida County Council of Governments, the River Area Council of Governments; and the Salmon Rivers Council of Governments³⁶.

- iv. The Commission's financial and staff resources are finite and currently used to the fullest extent with the towns and villages within the legislatively defined region, and the additional communities that have joined regional COGs.
- v. Additional municipalities within the region set out in §847-a of the Commission's enabling legislation have expressed interest in joining COGs.

b. Policy on Serving Municipalities Outside the Tug Hill Region

- i. As found by the New York State Legislature in the Commission's enabling legislation, there are municipalities contiguous to the area described in §847-a that are of similar nature and share natural resources, particularly watersheds to those within the Tug Hill region.
- ii. With additional financial resources to support the salaries, benefits and associated non-personal expenses for five (5) permanent full time equivalent staff members, the Commission would be willing to serve additional communities between the Commission's current boundary to the Lake Ontario shoreline, and directly adjacent to the Commission's current boundary on the east shore of the Black River, totaling no more than 16 towns and villages, if those communities request membership and are accepted by a COG.
- iii. However until such time that additional financial resources are made available, the Commission will not be able to provide more than minimal direction and assistance, as currently provided, to any additional outside region communities.

³⁶ A complete listing of the COGs and their constituent municipal members is included in Appendix

3. Tug Hill Commission Policy Regarding Jurisdiction Granted Pursuant To Articles VII and VIII of the Public Service Law³⁷

a. Background

- i. Pursuant to §124.(g) of Article VII of the Public Service Law, the Commission is designated a “Party to Certification Proceedings” under Article VII – “Siting of Major Transmission Facilities”.
- ii. Pursuant to §143.3 of Article VIII of the Public Service Law, the Commission is designated as a party to receive written notice “in the event that such [major electric transmission] facility or any portion thereof is located in the . . . Tug Hill.”

- b. Policy - The Commission is a non regulatory agency that fulfills its statutory function by enabling local governments, private organizations and individuals to shape the future of the Tug Hill region, and to demonstrate and communicate ways that this can be accomplished. The Commission does not, historically, take positions on policies, projects or issues within the region, rather, the Commission and staff ensure, to the extent practicable, that local governments and private organizations have the necessary information to guide their own decisions and positions. As provided under Article VII and Article VIII of the Public Service Law, the Commission’s status as a “party” does not bestow any regulatory jurisdiction on the Commission or the ability to hold hearings on any siting in the region, but requires applicants to notice the Commission on all their submissions in the application process. This is consistent with the Commission’s statutory purpose, vision and operating philosophy. Through this policy, the Commission adopts a position of neutrality in its role under any Article VII or Article VIII proceeding and uses its position as a “party” to stay informed of any proceeding regarding a major electric transmission facility in the region and to use its designation and receipt of information to ensure affected municipalities are informed during any siting process.

³⁷ “Policy Regarding Tug Hill Commission Jurisdiction Pursuant To Article VII of the Public Service Law”, adopted December 3, 2004, revised and abridged herein

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Appendices

- 1. Adoption and Amendment Record**
- 2. Article 37 of New York State Executive Law**
- 3. Public Officers Law §73**
- 4. Public Officers Law §73-a**
- 5. Public Officers Law §74**
- 6. Labor Law §201-g**
- 7. Public Officers Law §103-a**
- 8. Reasonable Accommodation Healthcare Provider Form**
- 9. Tug Hill Commission Sexual Harassment Complaint Form**
- 10. Current Councils of Governments and Their Constituent Municipal Members**

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Adoption and Amendment Record

- Initially adopted by the Commissioners July 15 2024
- Section D.5. Fleet Management and Use Policy adopted by the Commission December 8, 2025