

EXHIBIT A

§ 2-18. Code of Ethics. [Added L.L. No. 5-1965; amended L.L. No. 1-1971; L.L. No. 1-1973; § 3, L.L. No. 11-1979; § 1, L.L. No. 6-1980; § 1, L.L. No. 1-1984; § 1, L.L. No. 7-1990; § 1, L.L. No. 1-1992; § 1, L.L. No. 3-1996; § 5, L.L. No. 1-1997; § 1, L.L. No. 6-1998; § 1, L.L. No. 12-2002; § 1, L.L. No. 3-2004; § 1, L.L. No. 1-2006; § 1, L.L. No. 4-2006; § 1, L.L. No. 8-2007; § 1, L.L. No. 2-2008; § 3, L.L. No. 4-2009; § 4, L.L. No. 4-2009; § 4, L.L. No. 5-2009; § 1, L.L. No. 1-2010; §§ 1 through 6, L.L. No. 1-2013]

- A. Preamble. Officers and employees of the City of Rochester shall hold their positions to serve and benefit the public and not for personal gain or advantage. The City Council recognizes that in order to implement this fundamental principle there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes such standards by defining and prohibiting acts incompatible with the public interest. The City Council also recognizes that compliance with ethical standards rests primarily on personal integrity, and further recognizes that integrity of City officers and employees generally. However, in order that the offending case be discerned with certainty and corrected quickly, this Code of Ethics also establishes a Board of Ethics, which shall render opinions with respect to the code and compliance with the ethical standards set forth herein. Finally, the City Council recognizes that City officers and employees have a right of privacy and a right to share in the normal benefits of the democratic society they serve and the economy to which they contribute; therefore, this Code of Ethics is not intended and should not be interpreted to intrude unreasonably upon the privacy of any officer or employee or to deny to any officer or employee the right to participate in government programs open to the public generally.
- B. Definitions. When used in this code, the following words and phrases shall have the following meanings:
- (1) AGENCY — Any department, bureau, division, board, commission or other administrative or organizational unit of the City government, or the City Council.
 - (2) CLAIM — Any demand, written or oral, made upon the City to fulfill an obligation arising from law or equity.
 - (3) CONTRACT — Any obligation to do something arising from an exchange of promises or consideration between or among persons, regardless of the particular form in which it is stated.
 - (4) FAMILY — The parent, sibling, spouse or child of a person or any members of a person's immediate household.
 - (5) OFFICER or EMPLOYEE — Any person elected, appointed or hired to serve the City of Rochester in any capacity, whether paid or unpaid, or for a term fixed or not fixed, including, without limit, persons serving on a temporary, part-time or seasonal basis, persons paid with funds derived from other than City revenue sources and persons serving on administrative or advisory boards, commissions or committees, whether permanent or temporary.

- (6) PERSON — Any individual, corporation, partnership or business entity, association or organization and shall include a City officer or employee.
- (7) AN INTEREST — A benefit or advantage of an economic or tangible nature that a person or a member of his or her family would gain or lose as a result of any decision or action, or omission to decide or act, on the part of the City government or any of its agencies, officers and employees.
- (8) SENIOR MANAGEMENT — Any officer or employee duly appointed to one of the following positions: Deputy Mayor, Chief of Staff (Administration), Director of Special Projects and Education Initiatives, Director of the Office of Public Integrity, Director of Communications, Corporation Counsel, Director of the Office of Management and Budget, Director of Finance, Director of Human Resource Management, Commissioner of Environmental Services, Chief Technology Officer, Commissioner of Neighborhood and Business Development, Commissioner of Recreation and Human Services, Emergency Communications Center Director, Chief of Police, Fire Chief, Library Director, City Clerk, and Chief of Staff (Council). **[§ 1, L.L. No. 6-2018; § 2, L.L. No. 3-2019; § 2, L.L. No. 4-2021; § 4, L.L. No. 12-2021]**

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number. The masculine gender shall include the feminine, and the feminine gender shall include the masculine. Wherever the word "he" appears, read "he or she."

C. Ethical standards.

- (1) No City officer or employee shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation, as a result of which, directly or indirectly, he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her official duties.
- (2) No City officer or employee shall have or enter into any contract with any person who has or enters into a contract with the City unless:
 - (a) The contract between the person and the City is awarded pursuant to the competitive bidding procedures of the General Municipal Law; or
 - (b) The contract between the person and the City is one with respect to which the City officer or employee:
 - [1] Has no interest;
 - [2] Has no duties or responsibilities, or, if the contract with the person is one which the City officer or employee entered into prior to becoming a City officer or employee, he or she abstains from any performance of duties or responsibilities; and

[3] Exercises or attempts to exercise no influence.

- (c) While disclosure is required, no prohibited conflict of interest shall be found involving a contract with a person, firm, corporation or association in which a City officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.
- (3) No City officer or employee shall discuss, vote on, decide or take part in, formally or informally, any matter proposed or pending before any agency or other City officer or employee in which he or she has an interest. This provision shall not apply to any City officer or employee whose interest in the proposed or pending matter is minimal, provided that these procedures are followed strictly:
- (a) The City officer or employee shall identify his or her interest, that is, the benefit or advantage that would be gained or lost if the City acts on the matter in various ways, and the underlying basis of it, such as ownership, an investment, a contract or claim, employment or a relationship, if any.
 - (b) The City officer or employee shall completely and specifically describe and disclose his or her interest and its underlying basis, if any, in writing, to his or her immediate superior and the Chairperson of the Board of Ethics in advance of his or her participation in the matter.
 - (c) If either the City officer or employee or his or her immediate superior or the Chairperson of the Board of Ethics thinks that the disclosure reasonably raises a question whether the interest is minimal, the question shall be submitted to the Board of Ethics for an opinion, prior to which the officer or employee shall not participate in the matter. Failure to disclose properly or abide by the opinion of the Board of Ethics shall make any participation of the officer or employee in the matter null and void.
- (4) No City officer or employee, acting in the performance of his or her official duties, shall treat, whether by action or omission to act, any person more favorably than it is the custom and practice to treat the general public.
- (5) No City officer or employee shall use or permit the use of city-owned vehicles, equipment, materials or property for the convenience or profit of himself or herself or any other person.
- (6) No City officer or employee shall solicit any gift, nor shall any City officer or employee accept or receive any gift having a value of \$75 or more, regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before any City agency. The provisions of this subsection

shall not apply to contributions solicited or received in accordance with the Election Law of the State of New York. **[§ 1, L.L. No. 3-2018]**

- (7) No City officer or employee shall disclose without proper authorization nonpublic information or records concerning any aspect of the government of the City, nor shall he or she use such information to the advantage or benefit of himself or herself or any other person.
- (8) No City officer or employee privy to nonpublic information regarding the allocation of City funds or having direct influence or control over the allocation of City funds shall be a director, officer or trustee of any organization which receives, from or through the City, funds that constitute 10% or more of the organization's annual operating and capital budget, except where appointment to such position is approved by a duly adopted resolution of the City Council.
- (9) No City officer or employee shall own in person or through an agent or broker, or be a principal in any corporation, partnership or other business entity which owns, any real property within the City of Rochester that is in violation of City or state laws or regulations. Property shall be deemed to be in violation when a reasonable and proper notice and order to correct violations duly issued has not been obeyed in a timely manner.
- (10) No City officer or employee compensated by the City for such service shall represent any person in any action or proceeding, whether judicial or administrative, to which the City is a party, or before any City agency or other City officer or employee. This provision shall not apply to the Corporation Counsel when representing persons within the scope of official duties. This provision also shall not apply to members of the Board of Assessment Review, hearing officers, arbitrators or mediators compensated by the City for such services, who shall instead be covered by Subsection C(11) below; or to outside counsel hired by the City where the Corporation Counsel determines that the outside counsel, or the outside counsel's firm, does not have an interest in conflict with that of the City.
- (11) No City officer or employee who serves the City without compensation, or member of the Board of Assessment Review, hearing officer, arbitrator or mediator compensated by the City, shall represent any person before the agency he or she serves or before any other City officer or employee who regularly serves the agency he or she serves or before any other agency on merits directly involving the agency he or she serves.
- (12) No former City officer or employee shall at any time after he or she leaves the agency he or she served represent a person before any agency on a specific matter with which he or she was directly involved or of which he or she has special knowledge, if the representation would be adverse to the position of the City on the matter. The Corporation Counsel may seek an injunction to enforce the provisions of this subsection.

- (13) The provisions of this section, including disclosure provisions in Subsection G hereof, shall not apply to a contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee.
 - (14) While disclosure and recusal shall be required, the interest of a City officer or employee who is a member of the board of a not-for-profit corporation or association which has a contract with the City shall not be prohibited where the remuneration of such City officer or employee will not be directly affected as a result of such contract.
- D. Rules and regulations. The Mayor may issue rules and regulations governing officers and employees subject to his or her jurisdiction, and the President of City Council may issue rules and regulations governing members of the City Council and officers and employees subject to the Council's jurisdiction, consistent with and in furtherance of the requirements set forth in this code. Any rules and regulations or amendments thereto shall be filed with the City Clerk and formally communicated to the City Council and the Board of Ethics.
- E. Discipline and Removal. The doing of any act prohibited or the failure to do any act required by the Code of Ethics or rules and regulations issued pursuant thereto shall constitute grounds for disciplinary action, including removal, and any City officer or employee subject to the Mayor's jurisdiction and any elected City officer or employee or one subject to the City Council's jurisdiction who violates a provision of the Code of Ethics shall be subject to discipline or removal, in the discretion of the appropriate appointing authority, in the manner provided by law.
- F. Board of Ethics.
- (1) There shall be a seven-member Board of Ethics appointed by the City Council. Members shall consist of one City Councilperson, a department head or other City officer or employee of at least equivalent rank or title designated by the Mayor, who shall serve as the Board's Secretary, and five other members who shall not be City officers or employees at the time of their appointment, not more than three of whom out of the five shall be members of the same political party. All members shall be residents of the City of Rochester and individuals known for their personal integrity and recognized interest in civic affairs. The City Councilperson shall serve at the pleasure of the City Council, and in any event for no longer than his or her term of office. The term of the Mayor's designee shall be coterminous with the term of the Mayor. The five other members shall be appointed for three-year terms, except that the first member appointed shall serve for one year, and the second member appointed shall serve for two years. Any member may be reappointed, and after the expiration of his or her term, each member shall hold over until a successor is appointed, if necessary. The Board members serving on the effective date of this amendment shall complete their original terms. The Board shall appoint a Chairperson from among its members. The Board shall make appropriate rules

and regulations governing its procedures. The rules and regulations shall be filed with the City Clerk and formally communicated to the City Council. The Corporation Counsel shall provide legal advice and assistance to the Board of Ethics and the Secretary regarding the interpretation and enforcement of the Code of Ethics, including review of financial disclosure statements.

- (2) The Board of Ethics shall have the power to compel the attendance and testimony of witnesses and the production of records or other evidence of any type at any session of the Board devoted in whole or in part to the investigation of a matter referred to it for an opinion and, for this purpose, may authorize the Chairperson to sign and issue subpoenas and administer oaths and affirmations. The issuance of subpoenas shall be governed otherwise by the appropriate provisions of the Civil Practice Law and Rules.
- (3) The Board of Ethics shall render written advisory opinions to City officers and employees with respect to the Code of Ethics and Article 18 of the General Municipal Law or amendments to either. Any relevant matter may be brought before the Board for an opinion upon the written request of any City officer or employee or upon the initiative of the Board. Any opinions rendered by the Board shall be forwarded both to the requesting and the affected City officer or employee and filed in the office of the City Clerk. Requests for advisory opinions and the resulting opinions shall be available for public inspection and copying pursuant to the provisions and procedures of the Freedom of Information Law¹ and Subsection G. In addition, the Board may make recommendations to the City Council with respect to the drafting and adoption of amendments to the Code of Ethics.

G. Financial disclosure.

- 1. Persons occupying the following positions are hereby determined to be either the heads of City government departments, bureaus and divisions, however labeled, or the deputies and assistants of such heads and, additionally, to have significant decisionmaking and/or supervisory duties and responsibilities with respect to City government, as well as to members of the public, and shall be required to file financial disclosure statements in the form and containing the information prescribed herein: [§ 2, L.L. No. 2-2017; § 1, L.L. No. 3-2018; § 2, L.L. No. 3-2019; § 2, L.L. No. 4-2021; § 4, L.L. No. 12-2021]

Mayor

Candidate for Mayor

Deputy Mayor

Director of Special Projects and Educational Initiatives

Executive Staff Assistant IV

Assistant to the Mayor

1. Editor's Note: See Art. 6 of the Public Officers Law.

Member of City Council
Candidate for City Council
City Clerk
Deputy City Clerk
Chief of Staff
Chief Legislative Assistant
Senior Legislative Analyst
Legislative Aide (part-time)
Director of the Office of Management and Budget
Director of Human Resource Management
Manager of Labor Relations
Director of Communications
Corporation Counsel
Deputy Corporation Counsel
Assistance Manager/Parks & Recreation
Director of the Office of Public Integrity
Manager of Internal Audit
Chief Technology Officer
Director of IT Operations
Application & Systems Manager
Infrastructure & Operations Manager
Security & Networking Manager
Systems Architect
Director of Project Management (Mayor's Office)
Information Services Manager
Director of Finance
Deputy Director of Finance
City Treasurer
Deputy City Treasurer
Assessor
Parking Director
Assistant Director of Parking
Purchasing Agent
Commissioner of Neighborhood and Business Development
Neighborhood Service Centers Director

Neighborhood Service Centers Administrator
Director of Development Services
Director of Buildings and Zoning
Manager of Code Compliance
Manager of Planning
Manager of Zoning
Manager of Housing
Director of Real Estate
Manager of Downtown Development
Manager of Contract Services
Commissioner of Environmental Services
Assistant Commissioner of Environmental Services
City Engineer
Managing Engineer/Street Design
Managing Engineer/Construction
Director of Operations
Refuse Operations Manager
Director of Buildings and Parks
Manager of Building Services
Manager of Environmental Quality
Cemetery Manager
City Forester
Director of Equipment Services
Director of the Water Bureau
Managing Engineer/Water Design
Manager of Water Distribution
Manager of Water Production
Emergency Communications Center Director
Deputy Director/Emergency Communications Department
Chief of Police
Deputy Chief of Police
Deputy Chief of Community Engagement
Police Commander
Manager of Police Property
Senior Property Clerk

- Property Clerk
- Director of Animal Services
- Chief of Security Operations
- Fire Chief
- Executive Deputy Fire Chief
- Deputy Fire Chief
- Fire Marshal
- Superintendent of Fire Equipment Maintenance
- Captain in Charge of Supply Depot
- Commissioner of Recreation and Human Services
- Deputy Commissioner of Recreation and Human Services
- Library Director
- Assistant Library Director III
- Manager of Library Finance

Members of City Boards and Commissions, except for the Downtown Enhancement District Advisory Board and the Environmental Commission

City Appointees to Boards and Commissions, except for the Downtown Enhancement District Advisory Board and the Environmental Commission

Persons occupying other positions, determined by the Mayor to be policy-making positions in a document transmitted to the Secretary of the Board of Ethics by December 31 of each year, shall also be required to file financial disclosure statements as prescribed herein.

2. The Mayor, candidates for Mayor, Members of City Council, candidates for City Council and senior management shall complete the financial disclosure statement that is designated for elected officials, candidates and senior management. All other officers and employees designated pursuant to Subsection G(1) shall complete the financial disclosure statement that is designated for unelected officers and employees not in senior management. The completed financial disclosure statement shall contain the prescribed information with respect to each person covered by Subsection 1, as well as the spouse of the person and any unemancipated child of the person. For this purpose, "spouse" shall mean any individual married to (and not legally separated from) or living with the person required to file, and "unemancipated child" shall mean any son or daughter, any stepson or stepdaughter (with or without formal adoption), any foster child or any individual for whom the person required to file or such person's spouse serves as guardian who is unmarried, living in the home of the person required to file or living at school and claimed as an exemption on the federal income tax return of the person required to file or such person's spouse. **[§ 1, L.L. No. 6-2018]**
3. Completed financial disclosure statements shall be filed with the Secretary of

the Board of Ethics of the City of Rochester, which shall be the repository for such statements. The Secretary shall advise, in writing, each person required to file of such filing requirement at least 15 days prior to the deadline for filing, except that the Secretary shall so advise persons required to file as candidates at least five days prior to the deadline for filing. Failure of the Secretary to so advise shall not relieve any person required to file of the obligation to file in a timely manner. Such statements shall be filed by April 15 each year, containing the prescribed information relating to the previous calendar year. New City officers or employees hired between March 15 and December 31 shall file such statements within 30 days of the effective date of their employment. Candidates for Mayor or City Council who are not currently Mayor, a Member of City Council, or senior management shall file such statements within seven days of the last day allowed by law for the filing of designating or nominating petitions, whichever is applicable and earlier in each candidate's case. Extensions of time to file may be granted by the Secretary upon written application of a person required to file showing justifiable cause or undue hardship, except that as to City officers and employees, no extension shall be granted for longer than 60 days, and as to candidates, no extension shall be granted for longer than 20 days. [**§ 1, L.L. No. 6-2018**]

4. The Board shall permit any person required to file a financial disclosure statement to apply, prior to the expiration of the time for filing or any extension thereof, for an exemption from any requirement to report one or more items of information which pertain solely to such person's spouse or any unemancipated child, which item(s) may be exempted by the Board upon a finding by a majority of the total number of members of the Board without vacancy that the person's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to reporting the item(s) of information, and that the item(s) of information have no material bearing on the discharge of the person's official duties.
5. The Secretary of the Board shall review filed financial disclosure statements within 30 days of the filing date to ascertain whether any person required to file such statement has either failed to file or has filed a deficient statement. If a person required to file a statement has failed to file or appears to have filed a deficient statement, the Secretary shall notify the person, in writing, state the failure to file or specify the deficiency, provide the person with a fifteen-day period to file or to cure or explain the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. If the person fails to make such filing or fails to cure or explain to the Secretary's satisfaction the deficiency within the specified time period, the Secretary shall send a notice of delinquency: to the reporting person; to the Board of Ethics; to the appointing authority for such person; and to the Mayor for persons subject to the Mayor's jurisdiction or the President of the City Council for persons subject to the jurisdiction of the Council.
6. A person required to file a statement of financial disclosure who knowingly

fails to file or who knowingly files a deficient statement or who knowingly and with intent to deceive reports false information significant in nature or amount on such statement, may be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board upon a finding of any of the aforementioned violations. Notwithstanding the foregoing, the appointing authority may impose discipline, including removal, in the manner provided by law. Nothing contained herein shall preclude any criminal action or proceeding.

7. (a) The Board shall adopt and promulgate rules and regulations governing the granting of extensions of time to file and exemptions from reporting one or more items of information on statements of financial disclosure. Such rules and regulations shall provide the person applying for an extension or an exemption or the person's representative an opportunity to state orally or in writing the facts and reasons therefor and the right to receive a written determination from the Secretary or the Board, as the case may be. Any determination shall be final and subject to judicial review pursuant to Article 78 of the Civil Practice Law and Rules.
- (b) The Board shall adopt and promulgate rules and regulations governing findings of violations with respect to filing statements of financial disclosure and the imposition of penalties therefor by the Board. Such rules and regulations shall provide the person charged with a violation with written notice of the specific charge(s), an adjudicatory hearing affording due process and a written determination based on the record of the hearing. The burden of proof shall be upon the person charging the violations. Any determination shall be final and subject to judicial review pursuant to Article 78 of the Civil Practice Law and Rules.
8. The Mayor, as to persons subject to the Mayor's jurisdiction, and the President of the City Council, as to persons subject to the Council's jurisdiction, including members of the Council, shall review or cause to be reviewed by their designees the filed statements to ascertain possible violations of the ethical standards contained in Subsection C and shall receive sworn complaints from any individual alleging violations of the ethical standards contained in Subsection c. In the case of a possible or alleged violation, the Mayor or the President shall notify the person, in writing, specifying the possible violation or enclosing a copy of the complaint, and shall provide the person with a fifteen-day period in which to submit a written response to the possible or alleged violation. Thereafter, if the Mayor or the President determines that a further inquiry is warranted, the matter shall be referred to the person's appointing authority, who may impose discipline, including removal, in the manner provided by law, subject to judicial review if and to the extent applicable; provided, however, that as to members of the City Council, the matter shall be referred by the President to the full Council for proceedings pursuant to § 2-19, which is hereby declared to authorize the imposition of lesser discipline, as well as removal. Notwithstanding the provisions of Subsection F(2), once the Mayor or the President refers a matter

to an appointing authority or the City Council, no person except the appointing authority or the Council may request an advisory opinion of the Board relating to such possible or alleged violation. This Subsection G8 shall not apply to candidates who are not City officers or employees.

9. The Board shall determine, consistent with the requirements of the Open Meetings Law, whether to hold executive sessions for discussion of matters set forth in Subsection G4 and 6 with respect to specific persons, provided that the person whose conduct is the focus of the meeting may request that it be open to the public.
10. Public inspection and copying of all records relating to this Subsection G shall be governed by the provisions and procedures of the Freedom of Information Law; provided, however, that the Records Access Officer shall withhold as an unwarranted invasion of personal privacy the categories of value or amount reported in former statements of financial disclosure.
11. Any determination of the Board relating to an application for an exemption under Subsection G4 that is adverse to the person making the application shall not take effect for a period of 10 days from the date of notice of the determination.
12. All duties and powers of the secretary to be exercised with respect to the Director of Human Resource Management shall be exercised by the Chairperson of the Board.
13. The required financial disclosure statement shall contain the information prescribed and shall be in the form set forth hereinbelow. The Mayor and the President of the City Council may amend the form from time to time in order to clarify its requirements, provide for improved description or identification of items and add required items.²

2. Editor's Note: The Financial Disclosure Statement is included as an attachment to this Charter.



APPROVED BY
Tassie Demps, Director/DHRM

REVISION DATE
June, 2013

REVIEWED DATE

POLICY / PROCEDURE
Non-Discrimination

1. INTRODUCTION

The City of Rochester remains committed to a policy of equal employment opportunity for all City employees and applicants for City employment, as established by both Federal and State law. We reaffirm our legal obligation and organizational commitment to foster an employment environment free from discrimination and to consider all employees for placement, development programs, job assignments, transfers and promotions regardless of age, race, color, creed, sex, religion, national origin, sexual orientation, gender identity or expression, genetic information, physical or mental disability, marital status, military status/service, or domestic violence victim status. Complaints involving an allegation of discrimination shall be handled in accordance with the procedure set forth below.

2. DEFINITIONS

- 2.1. City Agency or Department - any department, bureau, or division under the jurisdiction of the City of Rochester
- 2.2. Employee - all paid full-time, part-time, temporary, on-call, and seasonal employees of the City of Rochester.
- 2.3. Department Head – the head or acting head of the following organizations within the City of Rochester:

- Department of Human Resource Management
- Communications Department
- Department of Environmental Services
- Department of Neighborhood and Business Development
- Department of Recreation and Youth Services
- Emergency Communications Department
- Finance Department
- Information Technology Department
- Law Department
- Mayor’s Office
- Office of Public Integrity
- Office of Management and Budget
- Rochester Fire Department
- Rochester Police Department
- Rochester Public Library

3. SCOPE

All City employees

4. POLICY

- 4.1. The City will provide equitable treatment to any and all applicants for City employment. Applicants will be evaluated on the basis of individual merit as determined by a fair, evenly-applied and practical review process.



APPROVED BY
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POLICY / PROCEDURE
Non-Discrimination

- 4.2. The City is committed to ensuring that no qualified person will be denied employment on the basis of a disability. Qualified individuals with disabilities will be provided reasonable accommodations that permit the performance of essential job responsibilities. However, the City is not required to provide accommodations that are unduly burdensome on City resources.
- 4.3. With respect to advertisements, information and applications for employment, no City agency or employee shall create or distribute, or instruct the creation or distribution of any statement, which directly or indirectly indicates that age, race, color, creed, sex, religion, military status/service, physical or mental disability sexual orientation, gender identity or expression, genetic information, or domestic victim status is an employment factor. Job descriptions and qualifications shall be based solely on non-discriminatory factors directly related job performance.
- 4.4. No City agency or employee shall discriminate against any employee or prospective employee in any matter pertaining to employment based upon age, race, color, creed, sex, religion, national origin, sexual orientation, gender identity or expression, genetic information, physical or mental disability, marital status, military status/service, or domestic violence victim status. Matters pertaining to employment shall include, but are not limited to, recruitment, hiring, job appointment, promotion, tenure, transfer, compensation, evaluation of performance, disciplinary matters, lay-offs and terminations.
- 4.5. No City agency or employee shall discriminate against any person based upon age, race, color, creed, sex, religion, national origin, sexual orientation, gender identity or expression, genetic information, physical or mental disability, marital status, military status/service, or domestic violence victim status in any term or condition of employment.
- 4.6. The Department of Human Resource Management will be responsible for development and coordination of the City's Diversity Inclusion Program and will monitor departmental efforts. All department and agency heads shall give full support to DHRM in the implementation of the City's Diversity Inclusion Program, which shall include, but is not limited to, participation in interviews, conducting investigations and providing all necessary documentation and materials.

5. PROCEDURE

Responsibility

Action

Complainant

- 1. Any employee who believes he or she has been subjected to harassment or discrimination while performing work duties should immediately initiate a complaint so that the incident can be promptly investigated.



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POLICY / PROCEDURE
Non-Discrimination

- | | | |
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| Complainant | 2. | Submits a <u>written complaint</u> of harassment / discrimination to their direct supervisor and Department Head, with a copy sent to the Human Resource Management Director's Office, City Hall, 30 Church Street, Room 103A, (585-428-7115). |
| Direct Supervisor | 3. | Immediately reviews the complaint with Department Head. |
| Department Head | 4. | Discusses the complaint with a Human Resource Management designee, to determine if the complaint requires an investigation and if the Law Department needs to be informed. |
| | 5. | If necessary, notifies the City's Law Department of the complaint. |
| | 6. | May designate another individual to conduct the investigation on his/her behalf. However, the Department Head is responsible for ensuring this policy is complied with and that the complaint is resolved, with assistance from a Human Resource designee when appropriate. |
| | 7. | Ensures an investigation is conducted promptly after the complaint is received. This may include interviews with the employee filing the complaint, the subject of the complaint, supervisor(s), co-workers, former employees and anyone else who may have knowledge of the situation. |
| | 8. | Obtains written statements from complainant and any other individuals involved in the investigation, including witnesses and accused. |



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POLICY / PROCEDURE
Non-Discrimination

Department Head

9. The investigation may also include a review of personnel files and other documentary evidence. Care will be taken to conduct the investigation in a confidential manner to protect the privacy interests of the employee filing the complaint and of the accused party or parties, except as may be necessary to successfully complete the investigation.
10. Sends a preliminary response to the employee filing the complaint within 15 working days after the investigation began.
11. A final decision will be made within 30-45 working days. Extensions of the time frames may occur due to the complexity of a particular complaint and investigation.
12. After completion of the investigation, a summary of the investigation results and recommendations are to be provided to Human Resources.
13. The employee filing the complaint and the accused party will be informed of the results of the investigation both orally and in writing.
14. Retaliation against an individual filing a complaint or participating in the investigation of a complaint is prohibited.
15. If the allegation is found to be credible and substantiated, appropriate corrective action will be taken to immediately stop the harassment/discrimination and to prevent its recurrence. Substantiated incidents will be treated as a disciplinary infraction, with penalties up to and including termination.

OR

If the allegation is found not to be credible and substantiated the employees will be notified that there are not sufficient grounds



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POLICY / PROCEDURE
Non-Discrimination

or basis to substantiate the alleged harassment / discrimination.

Human Resource Designee

16. Provides a written summary of the allegation and outcome to the Director of Human Resource Management.

6. EXCEPTIONS
None

7. RESPONSIBLE UNIT(S)
Director/DHRM

8. CROSS REFERENCE
City Council Resolution #83-58 - Prohibiting Discrimination



APPROVED BY
Tassie Demps, Director/DHRM

REVISION DATE
October, 2018

REVIEWED DATE

POLICY / PROCEDURE
Sexual Harassment

1. INTRODUCTION

The City of Rochester is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of the City of Rochester’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 City of Rochester, or with a government agency, or in court under federal, state or local antidiscrimination laws.

2. DEFINITIONS

2.1. City Agency or Department – any department, bureau, or division under the jurisdiction of the City of Rochester.

2.2. Employee - all paid full-time, part-time, temporary, on-call, and seasonal employees of the City of Rochester.

2.3. Sexual Harassment - Sexual harassment is unwelcome and unwanted sexual advances or conduct of a sexual nature that makes an individual feel offended, humiliated, intimidated, or threatened.

Sexual harassment is a form of sex discrimination and is prohibited by Title VII of the 1964 Federal Civil Rights Act, the New York State Human Rights Law, and the City of Rochester. Sexual harassment can occur between any individuals, regardless of their sex or gender. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity or expression, and the status of being transgender.

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:

- a) Such conduct is made either explicitly or implicitly a term or condition of employment;
OR
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting an individual’s employment;
OR
- c) 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 complaining individual is not the intended target of the sexual harassment.

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



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recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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

Sexual harassment can occur outside of the physical workplace. It can occur while individuals are traveling for business, or at employer sponsored events or parties. Inappropriate telephone calls, texts, e-mails, and social media usage can constitute sexual harassment, even if it occurs away from the physical workplace or during non-duty hours.

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.

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

- a) Physical assaults of a sexual nature.
- b) Unwanted sexual advances or propositions.
- c) Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sexual or discriminatory displays or publications anywhere in the workplace.
- e) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, and the status of being transgender.

2.4. Department Head – the head or acting head of the following organizations within the City of Rochester:

- Department of Human Resource Management
- Communications Department
- Department of Environmental Services
- Department of Neighborhood and Business Development
- Department of Recreation and Youth Services
- Emergency Communications Department
- Finance Department
- Information Technology
- Law Department
- Mayor's Office
- Office of Management and Budget
- Office of Public Integrity
- Rochester Fire Department
- Rochester Police Department
- Rochester Public Library



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3. SCOPE

The City of Rochester policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the City of Rochester.

4. POLICY

- 4.1. Sexual harassment will not be tolerated. Sexual harassment is a form of employee misconduct which is not only unlawful under federal and state statutes but is a direct violation of the code of conduct and ethics to be followed by each and every City employee and individual within the scope of this policy. Sexual harassment is destructive to the workplace environment and is totally unacceptable.
- 4.2. Sexual harassment subjects the City of Rochester to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees and individuals 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 subject to discipline up to and including termination for such misconduct.
- 4.3. It is the right of any employee or individual within the scope of this policy to make a complaint of an incident that is believed to be sexual harassment.
- 4.4. The City of Rochester 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 fully cooperate with any internal investigation of sexual harassment.

All persons are encouraged to report any harassment or behaviors that violate this policy. The City of Rochester will provide a complaint form to report harassment and file complaints. Managers and supervisors are **required** to report any complaint, whether verbal or written that they receive, or any harassment that they observe to the Department of Human Resource Management.

- 4.5. 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 person reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint.



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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 Affirmative Action Officer.

5. PROCEDURE

Responsibility

Action

Complainant

1. Any employee who believes he or she has been subjected to harassment or discrimination while performing work duties should immediately initiate a complaint so that the incident can be promptly investigated.
2. Reports of sexual harassment can be verbal or written. A form for submission of a written complaint is attached to this policy. Individuals are encouraged to utilize this complaint form. If a complaint is made verbally, the supervisor receiving the complaint should document the conversation and report receipt of it.

A written complaint of harassment / discrimination should be submitted to the individual's direct supervisor and Department Head, with a copy sent to the Human Resource Management Director's Office, City Hall, 30 Church Street, Room 103A, (585-428-7115). If the complaint involves the direct supervisor, the complaint should be submitted directly to the Department Head; if the complaint involves the Department Head, the complaint should be submitted directly to the Human Resource Management Director's Office.

Direct Supervisor

3. Immediately reviews the complaint with Department Head.

Department Head

4. Determines if the complaint requires an investigation and if the Law Department needs to be informed. A Human Resource Management designee may be consulted.

¹ 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.



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Department Head

5. If necessary, notifies the City's Law Department of the complaint.
6. May designate another individual to conduct the investigation on his/her behalf. However, the Department Head is responsible for ensuring this policy is complied with and that the complaint is resolved, with assistance from a Human Resource designee when appropriate.
7. Ensures an investigation is conducted promptly after the complaint is received. This may include interviews with the employee filing the complaint, the subject of the complaint, supervisor(s), co-workers, former employees and anyone else who may have knowledge of the situation.
8. Obtains written statements from complainant and any other individuals involved in the investigation, including witnesses and accused.
9. The investigation may also include a review of personnel files and other documentary evidence. Care will be taken to conduct the investigation in a confidential manner to protect the privacy interests of the employee filing the complaint and of the accused party or parties, except as may be necessary to successfully complete the investigation.
10. Sends a preliminary response to the employee filing the complaint within 15 working days after the investigation began.
11. A final decision will be made within 30-45 working days. Extensions of the time frames may occur due to the complexity of a particular complaint and investigation.
12. After completion of the investigation, a summary of the investigation results and recommendations are to be provided to Human Resources.



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Department Head

- 13. The individual filing the complaint and the accused party will be informed of the results of the investigation both orally and in writing.
- 14. Retaliation against an individual filing a complaint or participating in the investigation of a complaint will be prohibited.
- 15. If the allegation is found to be credible and substantiated, appropriate corrective action will be taken to immediately stop the harassment/discrimination and to prevent its recurrence. Substantiated incidents will be treated as a disciplinary infraction, with penalties up to and including termination.

OR

If the allegation is found not to be credible and substantiated the employees will be notified that there are not sufficient grounds or basis to substantiate the alleged harassment/discrimination.

Human Resource Designee

- 16. Provides a written summary of the allegation and outcome to the Director of Human Resource Management.

External Remedies

- 17. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of sexual harassment or retaliation may also seek redress by filing a complaint in other available forums, including the New York State Division of Human Rights, www.dhr.ny.gov and the United States Equal Employment Opportunity Commission www.eeoc.gov.

6. EXCEPTIONS
No

7. RESPONSIBLE UNIT(S)
Director/DHRM

8. CROSS REFERENCE

- 8.1. Sexual Harassment brochure
- 8.2. City Council Resolution #83-58 - Prohibiting Discrimination



APPROVED BY

Donna L. Turner, Director/BHRM

REVISION DATE

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Whistle Blower

1. INTRODUCTION

Whistle Blower protection is a safeguard for all City of Rochester employees to prevent against retaliatory actions that could be taken against a City officer or employee for reporting fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule or regulation governing employees of the City of Rochester. This policy is intended to protect officers and employees from retaliation who, in good faith, have reported a concern of improper governmental action.

2. DEFINITIONS

- 2.1. Officer or Employee – Refer to City Charter 2-18 B (5) for definition.
- 2.2. Good Faith Report – A report of activity which the employee has reasonable grounds to believe to be true and which the employee reasonably believes constitutes improper governmental action, even if the belief should later prove to be unsubstantiated.
- 2.3. Improper Governmental Action – Action taken by the City or another City officer or employee in the performance of the officer’s or employee’s official duties, whether or not such action is within the scope of his or her employment, and which is in violation of any federal, state or local law, rule or regulation.
- 2.4. Retaliation – Disciplinary or other adverse personnel action relating to the terms and conditions of employment taken against an employee because the employee has made a good faith report.

3. SCOPE

All City employees

4. POLICY

- 4.1. This policy implements New York State Labor Law §740 and Civil Service Law §75-b.
- 4.2. No Retaliation. The City shall take no retaliatory action against an employee because the employee makes a good faith report of any information regarding fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule or regulation governing officers and employees of the City of Rochester.



APPROVED BY

Donna L. Turner, Director/BHRM

REVISION DATE

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Whistle Blower

4.3. Confidentiality. Reports of concerns will be kept confidential to the extent possible, consistent with the need to conduct a complete and fair investigation. Allowing for the making reports of concerns to the employee's department head and/or to the Office of Public Integrity is intended, in part, to increase assurances of confidentiality and non-retaliation.

5. PROCEDURE

5.1. Reporting Concerns. In most cases, an employee's immediate supervisor is in the best position to address an area of concern; therefore, the employee should make the good faith report to his or her immediate supervisor. If however, the employee is not comfortable addressing the concern to the immediate supervisor, or the employee is not satisfied with the immediate supervisor's response, the employee should make his/her report to the department head. The department head should notify the Office of Public Integrity. If the report concerns the department head or the employee is not comfortable taking the issue to his/her respective department the employee has the discretion to report directly to the Office of Public Integrity.

If the employee is a union member, the option always exists at any point in this process to notify a union representative of the concern.

6. EXCEPTIONS

None

7. RESPONSIBLE UNIT(S)

Office of Public Integrity

8. CROSS REFERENCE

8.1. Labor Law §740

8.2. Civil Service Law §75-b



APPROVED BY
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POLICY / PROCEDURE
Workplace Violence Prevention Program

1. INTRODUCTION

The safety and security of all City of Rochester employees is of primary importance. Threats, threatening behavior, or acts of violence against or by employees, visitors, guests, or by anyone on City property will not be tolerated.

2. DEFINITIONS

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

2.2. "Workplace Violence" means any physical assault, or acts of aggressive behavior occurring in the course of an employee's duties, including but not limited to;

2.2.1. An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;

2.2.2. Any intentional display of force which would give an employee reason to fear or expect bodily harm;

2.2.3. Intentional and wrongful physical contact with a person without his or her consent that entails some injury;

2.2.4. Stalking an employee with the intent of causing fear when such stalking has arisen through or in the course of employment.

2.3. "Supervisor" means any person within the City of Rochester organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of the law, rule or regulation to which the employee submits written notice.

2.4. "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or adverse employment action taken against an employee's terms and conditions of employment.

3. SCOPE

All City Employees



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4. POLICY

- 4.1. The City of Rochester is responsible for ensuring that all safety and health policies and procedures involving workplace violence are clearly communicated and understood by all employees. Department Heads and supervisory personnel are expected to enforce the policy fairly and uniformly.
- 4.2. All City of Rochester employees are responsible for using safe work practices, for adherence to the policy and procedures, and for assisting in maintaining a safe and secure work environment.

5. PROCEDURE

- 5.1. All City personnel shall notify their immediate supervisor if the following occur:
 - a. Any threats or acts of violence they have witnessed or received at the workplace;
 - b. Knowledge of any threats or acts of violence committed against another person at the workplace;
 - c. Any behavior they regard as threatening or violent that is either job-related or carried out in a City-controlled site.
- 5.2. When there is imminent danger to the safety of an employee a responsible person should immediately call 911 to report the incident. The following should also be notified as soon as possible:
 - a. Immediate supervisor, or a designated contact person
 - b. The Employee Safety Coordinator @ 585-428-8678 office 585-820-8739 cell
 - c. The Superintendent of Security @ 585-428-7076 office 585-202-9998 cell
- 5.3. Concerns or behaviors that do not pose an immediate physical threat should be reported to the supervisor or designated contact person.
- 5.4. As soon as possible after the incident the City of Rochester Workplace Violence Incident Report should be filled out (see appendix A). The completed report should be sent to both the Employee Safety Coordinator and the Director of Public Integrity (see bottom of the Incident Report form).



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- 5.5. Once the Employee Safety Coordinator and/or the Director of Public Integrity receives a report the following actions will be taken:
- a. The person filing the report will be notified that the report has been received.
 - b. The report and any recommendations for remedial action will be reviewed.
 - c. If necessary, investigate further and make recommendations to management for remedial action.
 - d. Document status of recommendations made and report findings back to the Workplace Violence Prevention Committee.
- 5.6. If the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action, the employee can then report the incident to one of the following:
- a. Their department head, who will then forward a copy of the report to the Employee Safety Coordinator, 107 Bridge View Dr. 14615, the Superintendent of Security at 30 Church Street 14614 and the Director of Public Integrity, 85 Allen St., Suite 100
 - b. OR by calling the Employee Safety Coordinator @ 585-428-8678
- 5.7. Per Article 27-b of the NYS Labor Law – The Workplace Violence Protection Act for Public Employees:
- 5.7.1. Any employee or representative of employees, who has reported that a serious violation of the workplace violence protection program exists, or that an imminent danger exists, shall afford the City of Rochester a reasonable opportunity to correct such activity, policy or practice.
 - 5.7.2. If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger still exists, such employee or representative of employees may request an inspection by giving notice to the NYS Department of Labor Commissioner of such violation or danger.



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5.7.3. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the NYSDOL Commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.

5.7.4. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the NYSDOL Commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the NYSDOL Commissioner shall consult with a reasonable number of employees concerning matters of safety in the workplace.

5.7.5. No retaliatory action shall be taken against any employee because the employee does any of the following:

- a. Reporting a workplace incident or concern;
- b. Requests a NYS Department of Labor inspection;
- c. Has an authorized employee representative accompany the NYSDOL inspector during the inspection.

5.8. Risk Assessments

5.8.1. The City of Rochester shall examine any relevant records and shall assess relevant policies, work practices, and work procedures that may impact the risk of workplace violence.

5.8.2. The City of Rochester will evaluate work areas to determine the presence of factors or situations in such work areas that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:

- a. Working in public settings;
- b. Working in isolated places;



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- c. Working late at night or early morning hours;
- d. Exchanging money with the public;
- e. Working alone or in small numbers;
- f. Uncontrolled access to the workplace, and;
- g. Evacuation Plan/Safe Rooms and Lockdown Procedures.

5.9. Prevention

5.9.1. In an effort to prevent incidents of violence in the workplace as listed in the previous section, the City of Rochester shall use, as a minimum, the following methods to help eliminate them:

- a. Provide training for supervisory personnel in conflict resolution, confrontations, mediation, de-escalation and nonviolent self-defense responses. This training will also include role playing;
- b. Provide special “awareness” communication to employees who work in isolated areas; provide technology to address better communication;
- c. Create a “Lone Operator” and a “Buddy System” Policy; departments to inform security or appropriate personnel for after hours activities and shift changes, installing good external lighting;
- d. Review and reinforce the City’s “Cash on Hand” and “Cash Delivery” policies, equip appropriate sites with a functioning safe, require all safes and cash registers to be concealed from public view. Use drop safes or other methods to minimize the amount of cash on hand and post signs stating that limited cash is on hand;
- e. Create a “Lone Operator” Policy; departments to inform security or appropriate personnel for after hours activities and shift changes and working alone;
- f. Enforce requirement that all City employees wear ID Badges, update the policy requiring that badges be immediately visible and not hidden by clothing; communicate with all employees, provide visual examples, provide training and communication to all employees regarding use of panic buttons, provide panic buttons to appropriate departments and employees who work in isolated areas and offices, check locations and



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positions of cameras and monitors so they are most effective, and increase use of mirrors;

- g. Confirm all appropriate departments have an Evacuation Plan/Safe Room and Lockdown Procedure, communicate and train employees in Evacuation/Safe Rooms/Lockdown response;

- 5.9.2. There are other risks that are site specific (Reports are available at the Training & Safety Office, 107 Bridge View Drive). The prevention methods for these risks will be addressed at those sites during the annual training.

5.10. Training

- 5.10.1. Our system of training is designed to educate all our employees, including supervisors and managers, regarding compliance with work practices that are designed to make the workplace more secure and direct that employees do not engage in verbal threats or physical actions, which create a safety hazard for others in the workplace.

- 5.10.2. The City will provide each employee with information and training on the risks of workplace violence in their workplace or workplaces at the time of the employee's initial assignment and at least annually thereafter. Such information as necessary will be provided to affected employees whenever significant changes are made to the workplace violence prevention program.

- 5.10.3. At a minimum training shall address the following:

- a. The City will inform employees of the required workplace violence prevention training and the risk factors in their workplace that were identified in the risk assessment and determination, except that nothing in this section shall require the disclosure of the information otherwise kept confidential for security reasons.
- b. The City will inform employees of the measures that employees can take to protect themselves from the identified risks including specific procedures that the City has implemented to protect employees, such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and other devices;
- c. Employees will also be instructed on the availability of the City's EAP program which the employee can use if so desired or instructed to by the City.



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- d. Employees can obtain a copy of the written workplace violence prevention program policy from DHRM, City Hall, Room 103A. It is also available for reference to employees, authorized employee representatives and the Supervisor in the work area during the regularly scheduled shift and on the Employee Portal.

5.11. Compliance

- 5.11.1. The Workplace Violence Prevention Program Committee will be established to oversee the implementation and compliance of the City of Rochester's Workplace Violence Prevention Program. The committee shall be comprised of members from various departments.
- 5.11.2. Employees whose performance in complying with the Workplace Violence Prevention Program is deficient will be subject to corrective action in accordance with City of Rochester policies, applicable collective bargaining agreements and/or any applicable laws of the State of New York.
- 5.11.3. The Workplace Violence Prevention Program Committee will review incident reports and the Program on at least an annual basis.

6. EXCEPTIONS
None

7. RESPONSIBLE UNIT(S)
DHRM

8. CROSS REFERENCE

- 8.1. Appendix A – The City of Rochester's Workplace Violence Reporting Form
- 8.2. Appendix B – Identified Workplace Risks & Methods to Address (General to all employees)
- 8.3. Appendix C – The City of Rochester's Workplace Violence Training Outline
- 8.4. Identified Workplace Risks & Methods to Address (Specific locations). Reports are available at the Training & Safety Office, 107 Bridge View Dr.



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March, 2011

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APPENDIX A

The City of Rochester's Workplace Violence Reporting Form

CITY OF ROCHESTER WORKPLACE VIOLENCE INCIDENT REPORT

1.	Victim's Name:				
2.	Victim's Job Title:				
3.	Victim's Age:		4.	Victim's Gender:	
5.	Work Phone #:		6.	Alternate Phone #:	
7.	Department/Bureau/Division:				
8.	Department/Bureau/Division Address:				
9.	Incident Date:		10.	Incident Time:	
11.	Incident Location:				
12.	Work Location: (if different)				
13.	Type of Incident: (circle one) Verbal Harassment Physical Harassment Sexual Assault Other (please specify)				
14.	Was victim injured:		Yes	No	
	If yes, please specify injuries and the location of any treatment:				
15.	Did Police respond to the incident?		Yes	No	
16.	What Police Department?				
17.	Was a Police report filed?		Yes	No	
	Report #:				
18.	Was Supervisor notified?		Yes	No	
19.	Supervisor's Name:				
20.	Assailant/Perpetrator: (circle one) Intruder Visitor Intern Co-Worker Former-Employee Supervisor Family Friend Other (specify)				
21.	Assailant/Perpetrator: (if known)	Name	Age		
	Address:				
22.	Has this assailant been involved been in previous incidents?		Yes	No	
	Specify:				

23.	Did the incident involve a weapon?	Yes	No
	Specify:		
24.	Did the victim lose any workdays?	Yes	No
	Specify:		
25.	Was the victim singled out or was the violence directed at more than one individual?		
26.	Was the victim alone when the incident occurred?	Yes	No
27.	Did the victim have any reason to believe that an incident might occur?	Yes	No
	Why:		
28.	Please briefly describe the incident:		
29.	Has victim been offered counseling or support since the incident(s)?	Yes	No
	Specify:		
30.	Has corrective action been taken? Specify:		
31.	Comments:		
32.	Person Taking Report (print clearly):		
	Signature:		
	Date of Report:		
33.	Date Report Received by Emp. Sfty. Coord./Dir. Of OPI:		
	Signature:		
34.	Incident disposition: (circle all that apply)		
	No action taken	Arrest	Warning Suspension Reprimand Other (specify)

(09-10)

Please send the completed form WITHIN 24 HOURS to:
The Employee Safety Coordinator, Training & Safety Office 107 Bridge View Dr. 14615 AND
The Director of Public Integrity, Office of Public Integrity, 85 Allen St., Suite 100 14614



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January, 2011

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APPENDIX B

Identified Workplace Risks & Methods to Address
(General to all employees)

City of Rochester General Summation and Observations -Workplace Violence

Workplace Violence Site Assessments were conducted for each of the City of Rochester Department Bureaus, including the Library; the Department of Recreation and Youth Services (DRYS); the Department of Environmental Services (DES); Police; Fire; City Buildings; Municipal Garages; and Surplus.

Method:

The Workplace Violence Site Assessments were scheduled and conducted with department representatives. Union representatives were invited to all site assessments. The assessments included the completion of the City of Rochester Workplace Hazard Assessment Form and a site walk-around with the site representatives.

The focus of the assessment was the department history; activities which might expose employees to risk; factors that increase the risk of violence; and the reduction of the risk of violence through current policy and procedure and future recommendations.

In most all cases, assessments were completed with the assistance of the supervisors. In the case of the Fire and Police Departments, assessments were completed with the assistance of the lieutenant, captain, or chief. The Fire Department crew on duty the day of the assessment also participated.

Scope:

For specifics related to each of the 162 City sites, refer to the City of Rochester Workplace Hazard Assessment Form for that site (available at the Training & Safety Office, 107 Bridge View Dr.). Some sites are combined into one assessment form

Summation and Observations:

The Summation and Observations represent the collective key findings for all departments and are used to create the "*Risks and Methods to Address*" document. The Summation and Observations offer a brief explanation of the risk, and a possible method to either minimize, or eliminate the risk, through training, policy and procedure, or engineering controls.

Recommendations from employees are included in the Workplace Violence Assessment Form, the Summation and Observations, and the Risks and Methods.

City of Rochester General Summation and Observations
-Workplace Violence

Summation and Observations

1. Policy and Procedure

- A. **Evacuation/Safe Rooms/Lock Down:** Observation that not all City employees are aware of their Evacuation Plan (EVAC Plan), location of Safe Rooms, or Lockdown Procedures. For example, often the comment was made, “I think it’s documented”, or “I think the Safe Room is over there.” Although the Training & Safety Department has recently provided updated training, it might be helpful to enlist supervisor and management help in confirming awareness, and location of written procedures, and confirming that EVAC Plans are posted. Perhaps an employee sign-off and updated training record that employees have completed the review. Include annual review as an expectation, as well as a formal process to advise new employees as part of new employee orientation.
- B. **General Polices:** Observation that site policies and procedures were not always consistent within similar departments. Employees expressed the need for a “standard policy or procedure” particularly in response to emergency situations. Observation that identifying and standardizing procedures may help to identify and minimize employee risk.
- C. **Unwritten policies and procedures:** In some cases employees were not aware of any written document, or certain “Standard Operating Procedures” (SOP) were never documented. This might fall under the term “Unwritten Ground Rules”, where the employee is aware of the Policy & Procedure (P & P), but so far there is no documentation. Observation that identifying and clarifying these procedures in writing may help minimize risk.
- D. **Emergency Communication:** This observation is focused on the Fire, Police, and Dispatch, but may also relate to similar situations in other departments. For example: The Fire Department expressed concern that there needs to be more understanding and awareness of their risk when they “stage and wait” for the police. Likewise, certain procedures followed by the police or fire or dispatch might be unintentionally at cross-purposes, and not clear to the other department. This situation may unknowingly expose that department to a risk. The review of specific emergency Policy’s & Procedure’s that are cross-functional between departments might be needed for better clarification and understanding. More communication between the Police and Fire department was a common theme.
- E. **Pedophile Policy:** Observation that a “more robust single policy”, and a better communication method is needed for departments that work directly with children, and staff that might come into contact with sex offenders. Feedback from some sites indicate that there is not a clear written policy regarding sex offenders; particularly concerned were Community Centers and Libraries, including Community Centers that share space with a school. Hard copy notifications are sent, but there is “not an automatic system in place”.

City of Rochester General Summation and Observations -Workplace Violence

- F. **Incident Reporting:** As part of Workplace Violence Prevention (WVP) establish a Workplace Violence Incident reporting process for all City Department Bureaus.
- G. **Work Methods:** Observation that adding additional security controls to prevent workplace violence may not always be practical or may not be possible due to restricted budgets. Consider analyzing employee work methods to minimize risk. This can be accomplished by reorganizing the work and redesigning work areas. For example, relocating desks so employees do not have their backs to their office door or to a Main Entrance. When adjusting work methods include team input and allow time to brainstorm ideas.
- H. **Security Check/Assessment:** Observation that a Security Check/Assessment conducted initially and on a periodic basis, may be needed to determine if security needs are current and still being met at each City site. Consider having each City site conduct the Security Check/Assessment during a scheduled walk-around with appropriate site representatives, management, and staff. This will give site representatives an opportunity to assess doors, windows, controlled access points, cameras, lighting, mirrors and other engineering controls that may prevent workplace violence. This would be an opportunity to verify that controls are functioning properly and assess what changes may be needed. The Security Check/Assessment would work in conjunction with a **cost-risk analysis** to determine any needed changes for each site to address workplace violence risks.

2. Security:

- A. **Metal Detectors:** A few sites expressed the need for metal detectors. However, there are numerous issues associated with metal detectors which could result in the increase of confrontational situations. Adequate training and perhaps different staffing may be required for sites with metal detection.
- B. **Panic Buttons:** Not all sites have panic buttons at the reception desk or in offices. Sites that have panic buttons have reported lack of policy and training in the use of the detectors, and concern that panic buttons have not been tested. Observation that in many cases panic buttons were on site, but not in use.
- C. **Cameras:** Though cameras are in the process of being installed or have been installed at many sites, some cameras may be in the wrong location, or additional cameras are needed to monitor critical areas. At some sites like the Community Centers, the monitors are often right at the reception desk where patrons sign in. Patrons have become very familiar with the areas the cameras are monitoring. Relocating or "shifting" these monitors so patrons do not have a clear view, might be helpful.
- D. **Mirrors:** Many sites can improve potential risk by increasing employee Line-Of-Sight through the use of mirrors. For example, most libraries could benefit by installing more properly placed mirrors. In general the location of book shelves and other obstructing objects, including the architectural construction of the building might impede line of sight.

City of Rochester General Summation and Observations -Workplace Violence

- E. **Maintenance Response and Security Check:** Departments have reported that work orders have been submitted to repair warping exterior doors, exterior lights, and other security-related equipment. In many cases repairs have yet to be completed. Perhaps a system that can determine priority of repair based on security issues or potential employee threat should be investigated. Also in the case of Fire Truck Doors, fire crews reported that these doors malfunction, and that they are serviced upon failure; there is no routine proactive maintenance.

It might be possible to identify security related equipment that should be on a routine maintenance schedule as opposed to repairing equipment when it fails. Also, a routine check of cameras, mirrors, doors, and other security related equipment might be helpful in minimizing potentially high risk situations.

- F. **ID Badges:** Observation that ID Badges are not being worn by all employees, or they are wearing them so they cannot be seen. For example, ID Badges at City Hall were not clearly visible. In particular, those departments that are “welcoming and open to the public” should consider wearing ID Badges. As part of Workplace Violence Prevention (WVP) training employees should be encouraged to ask unidentified people “if they can be helped”, or contact security. Enforce requirement that all City employees wear ID Badges; update the policy requiring that badges be immediately visible and not hidden by clothing; communicate with all employees; provide visual examples. Many manufacturing companies that employ skilled trades and machine operators still require all employees to wear visible ID Badges. As part of the culture, Safety Awareness Training has been given to prevent ID Badge-related accidents.

3. Training:

- A. **Workplace Violence Awareness and response:** All departments expressed a need for general Workplace Violence Prevention (WVP) training which should include *Awareness, Action and Response*. Observation that many City employees encounter the general public in customer relations situations. It would be helpful for employees to be able to identify potential changes in behavior to address issues before they escalate. For example, the Central Library security personnel expressed concern that, library staff may not be aware of or pay attention to “tell-tale” signs of behavior leading to an escalated or confrontational situation.

This type of training would also apply to employees working with other employees who may display behavior changes. Some sites have also reported domestic situations that spill over into the work place that have resulted in violent situations. Particular departments have also been identified as being known for employee on employee situations.

Certain departments such as the Police Department deal with particularly high stress situations. Specifically tailoring the WVP training content, and delivering the training in a method that addresses the true needs of the department will be essential.

See the Assessment Form for the East and West Side Police Stations, Tactical Unit, Internal Affairs, Fire Department, and the Emergency Communications Department (911).

- B. **Conflict Resolution:** There is concern expressed by most sites that more training is needed, particularly to address workplace violence issues, conflict resolution, and general response to confrontations, mediation methods, and intervention in a hostile environment. Observation that this training is in conjunction with WVP Awareness Training, but is focused more on response to a situation that has already escalated. This type of training needs to be specific to the needs of the site. Particularity those who work in the field or directly with the public.

City of Rochester General Summation and Observations -Workplace Violence

- C. **“Gang” Education:** It can be observed that many employees have a concern with “gang” violence. However, the definition of the word “gang” and how to identify “gangs” seems to vary. Many employees expressed a desire to receive training on how to understand, identify and respond to “gang activity”. Observation that Pathways to Peace (PTP) might be utilized to create a training module for impacted employees. Note: PTP currently has offices in many Community Centers. The focus of the training would be for employees impacted in the course of their work, for example libraries,
- D. **Additional Training Needs:** Observation that employees had different interpretations of mandatory versus elective training requirements for their department. For example, many supervisors commented that Conflict Resolution was mandatory, while others expressed a different opinion.

Each WPV Awareness session will give employees an opportunity to identify additional training needs that address the safety and well-being required in the course of their work, including work that takes place in the field. There may be an opportunity to utilize the existing Employee Comprehensive Development Plan to help determine and communicate mandatory training needs and document requirements. Train-the-Trainer programs, informal training opportunities, and other in-house training methods, will be needed to address the gaps for part- time staff.

The current training offered through the Training and Safety Office such as Conflict Resolution, Customer Service, and Dealing with Difficult Behaviors are examples of additional training needs.

- E. **Disabilities Training:** Staff also suggested training to respond to people with disabilities. Observation: Utilizing local agencies who work with all levels of disabilities can be offered during a “lunch and learn” or “brown bag”. Knowing proper terms and behaviors to properly serve the disabled would be helpful to certain staff and patrons.
- F. **Animal Behavior and Awareness Training:** Observation that many employees encounter animals while performing work in the field. Several employees have expressed the need for training in animal behavior and how to respond to potential dangers. Some sites have reported receiving this type of training. Consider using Animal Services to provide animal behavior training to appropriate staff.

4. Uncontrolled Access

- A. **Doors:** Observation, that many sites that have a potential or a history of Workplace Violence (WV), do not have alarms for exterior doors or Card Swipe Access. Where possible, these alarms and Card Swipes should be installed. Some doors have code number access, but the doors are not alarmed to let staff know the door is open. For example: Fire Stations.
- B. **Propped-Open Doors/Employee Access:** In many cases doors are propped open by employees. Employees have also been known to allow others access without verifying at the reception area. Aside from incorporating engineering changes to control access, there is an opportunity to update current P & P, or provide refresher training regarding employees allowing access and propping doors open. For example, perhaps some sites should require staff to meet visitors at the reception desk.

City of Rochester General Summation and Observations -Workplace Violence

- C. **Windows:** Many sites have reinforced windows, windows that are barred, or have installed security windows. Observation that some Firehouses and other City sites are susceptible to break- in through old windows that require immediate repair, windows that are in isolated areas of the building, or windows in locations that give determined people easy access.
- D. **Reception Desks/Areas:** Observation that some sites based on the potential or history for WV should have enclosed reception areas or reception areas that are not so accessible to the public. For example, the West Side Police Station and Animal Control. In the case of other locations like the Central Library, relocating bookshelves to minimize traffic flow, or installing electronic photo eyes might be an option.
- E. **Money and Valuables Collected:** Many sites reported collecting money or other valuables. Some sites reported that they keep money in a drawer or there was no combination to the safe. One site said that they count money in clear view of the public (Central Library). The Workplace Violence Program is a perfect opportunity to reinforce the City's "Cash on Hand" and "Cash Delivery" policy, or to update the existing policy and check for department consistency. Utilizing the supervisors to do this might be the most expedite solution.
- Sites that handle cash should also be equipped with a functioning safe, and require all safes and cash registers to be concealed-as much as possible from public view. Many cash registers have been relocated so they are behind the counter away from public view and away from arms reach. Perhaps a review of the policy regarding the delivery of cash to the bank should also be communicated. Staffing issues limit the ability to have two people deliver to the bank.
- F. **General Security Education:** Include as part of WVP training general "do's and don'ts" about security and allowing access

5. Staff and Working Alone

- A. **Isolated Employees:** Observation that many employees from all different departments work alone. In many cases other employees are not far away or may be in the next office. However, because of the architectural uniqueness or structure of some City buildings and sites, many of the administrative offices and staff are isolated. (Ex: Rundel Library; Equipment Services Offices at Mt Read Blvd.) In some cases there does not seem to be a way to verify if an employee has left the site or is still it the building. Based on the location of some offices, an employee could be confronted in their office without warning.
- A "Lone Operator" Procedure** should be incorporated for employees who are working alone after hours or in some cases, during the day. The procedure should address different scenarios. For example, if a person is working after hours at the Equipment Services Offices at Mt. Read Blvd., they should inform security or appropriate personnel. (Perhaps notifying every hour or half hour; if there is no notification then security or other appropriate personnel should "check-in"). The Lone Operator Procedure (LOP) should be written to generally address all areas.
- B. **Lone Operator Awareness:** Along with the Lone Operator Procedure it might be helpful to provide special "awareness communication" to employees, that they are in a "designated isolated area" and should be familiar with the LOP.

City of Rochester General Summation and Observations
-Workplace Violence

- C. **Panic Buttons for Lone Operators:** For those who work in isolated areas or who work alone after hours on a frequent basis, provide a panic button for their office or some form of technology where they can quickly communicate in an emergency situation. For example, the Stack Rooms in the Central Library have used **Body Alarms** with pull cords that sound a loud alarm. They wear these when they are alone. Also, the University of Rochester has a cell phone system that immediately contacts security
- D. **Escorts and Groups:** Observation that some departments are using security escorts, “Red Shirts” and walking in groups out to the parking lot. Ongoing communication and education should be incorporated into the WV program to train employees in the basic methods of safe entrance and exit from the work site. “What if scenarios” should be incorporated into all levels of WVP training. For example, City Hall employees often park in the High Falls Garage on State Street. The lighting on State Street particularly under the bridge leading to the parking garage has been described “as poor”.



CITY OF ROCHESTER, NEW YORK

EFFECTIVE DATE
January, 2011

PAGE NO.
19 of 20

APPROVED BY
Tassie Demps, Director/DHRM

REVISION DATE

REVIEWED DATE

POLICY / PROCEDURE
Workplace Violence Prevention Program

APPENDIX C

The City of Rochester's Workplace Violence Training Outline

Employee Training Lesson Plan

1. Law

- a. NYS Labor Law 27-b
- b. 12 NYCRR Part 800.6
- c. The written workplace violence prevention program includes:
 - i. List of risk factors
 - ii. Methods employer will use to reduce risks.
- d. Training will be provided regarding workplace violence prevention program.

2. Workplace Violence

- a. Definition
- b. Examples

3. Employee Obligations

- a. Refrain from acts of workplace violence
- b. Report observed acts of workplace violence & risky situations that may lead to workplace violence.
- c. Notify department (head/supervisor) of orders of protection.

4. General Risks & Methods of Minimizing

- a. Review identified risks
- b. Review methods to be used to prevent incidents of workplace violence.

5. Specific Risks and Methods of Minimizing

- a. Review identified risks
- b. Review means to be used to prevent incidents of workplace violence.

6. Workplace Violence Prevention Program

- a. Will be posted
- b. Available on Employee Portal
- c. Available upon request from the Training & Safety Office

7. Crisis Counseling

- a. Will be provided after workplace violence incident involving:
 - i. Serious physical harm
 - ii. Hostage situations
 - iii. Employee death
- b. EAP services available to employees at all times

8. Employee Complaints to Public Employee Safety & Health (PESH)

- a. Written notice to employer
- b. Wait reasonable time for employer to address
- c. Written notice to PESH with copy of employer notice and any response

Article XVIII
POLICE ACCOUNTABILITY BOARD

§ 18-1. Purpose. [§ 1, L.L. No. 2-2019]

The Rochester City Council hereby intends to establish a civilian-controlled process to fairly investigate and make determinations respecting complaints of misconduct involving sworn officers of the Rochester Police Department. The Police Accountability Board shall be the mechanism to investigate such complaints of police misconduct and to review and assess Rochester Police Department patterns, practices, policies, and procedures. The Police Accountability Board shall ensure public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department. The Police Accountability Board shall provide a nonexclusive alternative to civil litigation.

§ 18-2. Definitions. [§ 1, L.L. No. 2-2019]

The following terms are defined, for purposes of this article, as follows:

ALLIANCE — The Police Accountability Board Alliance, a group of community organizations that nominate community members to be appointed by City Council to the Police Accountability Board.

CHIEF — The Chief of Police of the Rochester Police Department.

CITY — The City of Rochester, New York.

COMPLAINT — A written or oral report regarding police misconduct made by any individual or group of individuals.

COUNCIL — The Rochester City Council.

DAY(S) — Sequential days according to the calendar unless otherwise specified as "business days."

DISCIPLINARY MATRIX — A written, consistent, progressive, and transparent tool or rubric to determine discipline for misconduct. The disciplinary matrix shall determine a range of disciplinary action options for misconduct. The Chief will be required to impose discipline utilizing the disciplinary matrix based on the Board's findings and determination.

EXECUTIVE DIRECTOR — The highest-ranking staff hired by the Police Accountability Board, with ultimate responsibility for making managerial decisions.

be a member of the immediate family of any incumbent elected official of the City, or have litigation pending against the City involving a claim of police misconduct, or be a member of the immediate family of a person, or be an attorney representing a person with such pending litigation.

- 4) The Council, through the annual budgetary process as set forth in Article VI of the City Charter, as amended, shall provide for the compensation and benefits of the Executive Director.
- 5) The Board shall conduct an annual review of the performance of the Executive Director and may remove the Executive Director for good cause.
- 6) The Board shall be responsible, through the Executive Director and staff, for the daily administrative work of the Board.
- 7) The Executive Director shall be responsible for hiring and supervising staff in accordance with the City Charter and the Municipal Code. All such persons and their immediate family shall be free of any conflict of interest, including but not limited to current or former employment with the RPD or any other local, state, or federal law enforcement agency.

§ 18-7. Training and outreach. [§ 1, L.L. No. 2-2019]

- A. Board and Executive Director training. The Board and staff shall seek and participate in a broad range of training annually. Training resources will be selected by the Board and may include individuals and organizations such as law enforcement entities, attorneys, and any national, state, or local resources with expertise and experience in civilian complaints, investigation, police policies, auditing/monitoring, and other appropriate skills and knowledge. The Board and staff orientation and ongoing training shall include, but not be limited to, the following:
 - 1) All relevant local, state, and federal law;
 - 2) Implicit bias and antiracism;
 - 3) Gender identity and sexuality;
 - 4) Disability rights, including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities and traumatic brain injuries;

- 5) Classism, poverty and homelessness;
- 6) Trauma-informed policing and crisis intervention, including RPD officer well-being;
- 7) Patterns, practices, policies, and procedures of the RPD;
- 8) Police Accountability Board Local Law;
- 9) Civilian oversight history, models, trends, theories, standards and best practices;
- 10) How to conduct independent and objective civilian complaint investigations, e.g., interviewing, collection and preservation of evidence;
- 11) Community outreach to inform how the Board functions and serves the community and public reporting;
- 12) Discipline and remediation, education-based discipline, early warning systems, processes of arbitration/grievance;
- 13) RPD ride-alongs;
- 14) Access to RPD training; and
- 15) Access to RPD manuals.

B. Community outreach.

- 1) The Board shall conduct outreach to community members, groups, and nonprofit organizations. The Board shall provide language access for limited- and non-English-proficient individuals. The Board shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities.
- 2) Complaint forms and instructions shall be made available by RPD officers and employees and at the Board office, at Board meetings, libraries, recreation centers, PSS office, police stations, Public Safety Building, courts, and all other government buildings, and on the City, RPD, and Board websites.
- 3) In addition to regular monthly business meetings that include review of complaints, the Board shall hold public meetings in each City district a minimum of at least once annually, to invite public input or comment, and to provide information education about the Board process and its work.

- 4) The Board shall, through a standing Board committee, be dedicated to youth and community engagement, establish and pursue ways to interact with and solicit input from youth, present educational programs designed to promote public awareness of the Board process, give the public information about their rights and responsibilities regarding encounters with law enforcement employees, and publicize the procedure for filing a complaint with the Board.
- 5) The City shall provide the Board with a website on which the Board shall post information, including but not limited to: educational materials, links, videos, reports, and forms related to the operation of the Board and its mission.
- 6) The Board shall survey complainants and the public to assess satisfaction and identify concerns with the Board's investigative and adjudicative processes.

§ 18-8. Retaliation prohibited. [§ 1, L.L. No. 2-2019]

Retaliation by RPD officers and employees against complainants, witnesses, the Board and its staff, and other RPD officers and employees, shall be prohibited. Retaliation includes but is not limited to: harassment, intimidation, stalking, threats and assaults. If a complaint of retaliation is sustained by the Board, action will be taken based upon the disciplinary matrix. The Chief will also be notified of the misconduct.

§ 18-9. Conflict of interest. [§ 1, L.L. No. 2-2019]

- A. No Board member or Board employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law or by the Code of Ethics shall disqualify a member. A conflict of interest shall include, but is not limited to: if they have reason to believe or expect that they will derive a direct monetary gain or suffer a direct monetary loss, by reason of their official activity; or if any benefit or detriment accrues to them as a member of a business, profession, occupation, or group to a greater extent than any other member of the business, profession, occupation, or group. Board members may not represent a complainant or an RPD officer before PSS or the Board.

EXHIBIT B

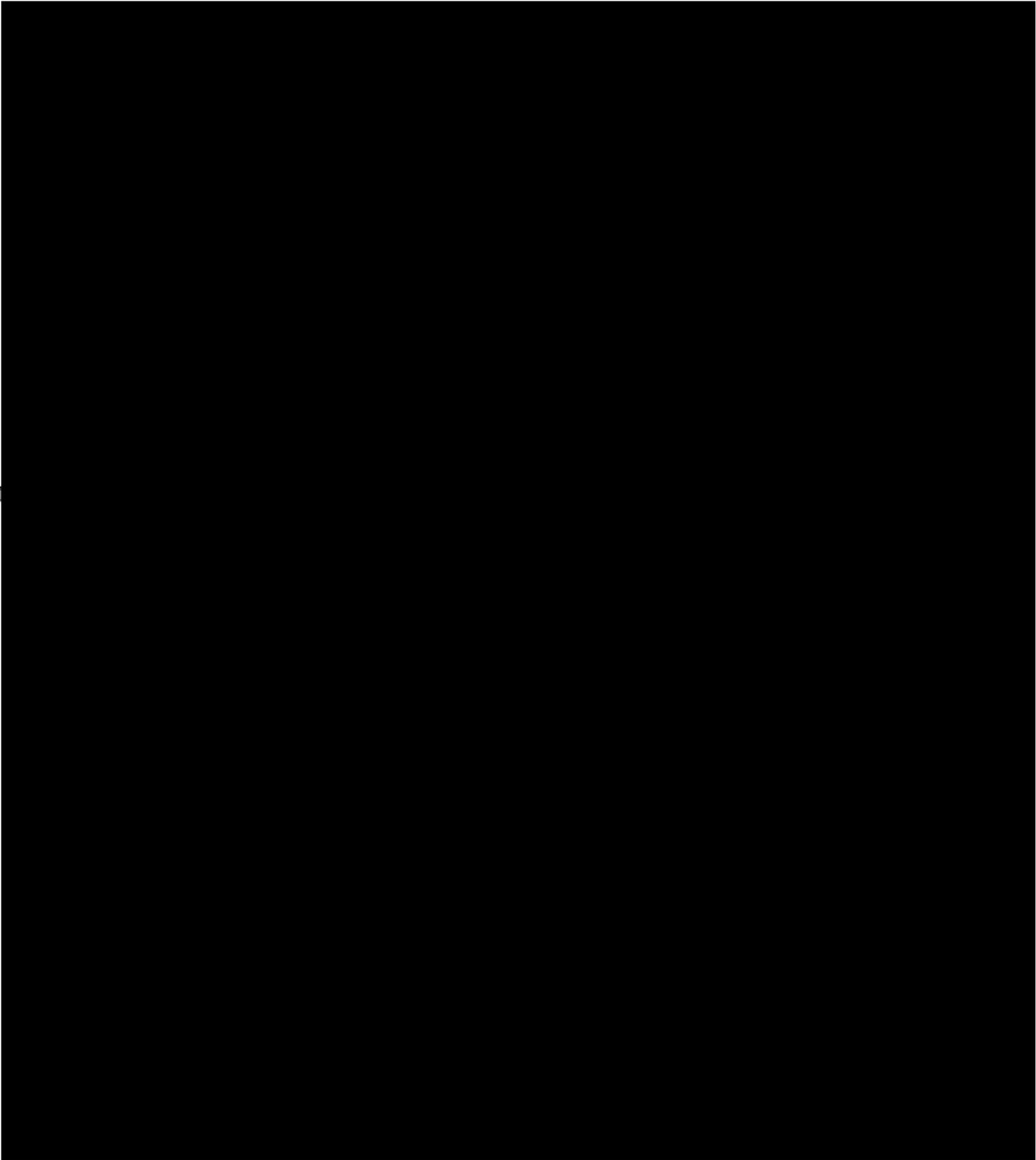


EXHIBIT C

From: [REDACTED] <[REDACTED]>

Sent: Friday, April 29, 2022 3:19 PM

To: Reynolds, Conor D. [REDACTED]

Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Senior Staff Concerns

Conor,

Members of the Senior Staff/Executive Office, cc'd here, met this week to discuss a number of issues related to leadership which have festered over the last few weeks. In my capacity as Director of Staff Support, I have summarized these concerns below and present them to you for review. Please advise on any opportunity to meet with this group for further discussion and resolution.

- Concerns about a lack of meaningful opportunities for internal communication and collaboration
- Concerns about a lack of transparency in information sharing (as to staff, board, city council, etc.)
- Concerns about the excessive management of our speech/outputs
- Concerns about the legal and ethical consequences of certain hiring and personnel decisions
- Concerns about a general lack of understanding regarding our roles and responsibilities and the absence of the autonomy and support needed to execute them
- Concerns about unilateral and seemingly arbitrary decision-making that undermines our understanding of internal policies and trust in leadership
- Concerns about the communication style of leadership as to members of senior staff

Thank you,

[REDACTED]

[REDACTED] | [REDACTED]

[REDACTED]

[REDACTED]

EXHIBIT D

From: [REDACTED]

Sent: Monday, May 9, 2022 7:18 PM

To: [REDACTED] <[REDACTED]> [REDACTED]
<[REDACTED]>

Subject: Re: Confidentiality statements

Sensitivity: Confidential

Good evening to you both,

I wanted to follow up regarding my conversations with you both today. I wanted to make it clear the that Senior Staff of the PAB wanted to express their concerns about the Executive Director Conor D. Reynolds. These staff, including myself, believes that Mr. Reynolds has created a hostile, toxic, and retaliatory work environment.

I was invited to Zoom meeting by six members of the PAB Senior Staff on Wednesday, April 27, 2022; in which each member was given an opportunity to express their concerns. On Thursday, April 28, 2022, I put their concerns in an email and sent it back to each member to make sure I'd captured their concerns accurately. I asked them to review and make any revision before I sent it to Mr. Reynolds. I did not receive any revisions, and on Friday, April 29, 2022, I sent the email to Mr. Reynolds. (See attached email).

The six Senior Staff members wanted an opportunity to meet with Mr. Reynolds to discuss their issues at a later date and wanted to wait until one returned to work on Wednesday, May 4, 2022.

Mr. Reynolds had meeting for Senior Staff scheduled on Monday, May 2nd and insisted that staff meet to discuss their that day. In the meeting that Monday, I told Mr. Reynolds that we should adjourn the meeting because all of the staff that could not meet in person. There were three staff on Zoom and the remainder were in person. It was agreed by everyone to meet when two of the staff could meet in person. The third staff member currently lives in Albany and would meet by Zoom. The subsequent meeting was held on May 4, 2022.

Since that meeting, the staff, including myself, met with the PAB and also expressed their concerns on Thursday, May 5, 2022 in an evening Zoom Call. Each staff member shared their same concerns with the board. At the end of the meeting staff thank the board and exited the meeting.

The staff was not aware that Mr. Reynolds was given time to make a statement after we all left. Mr. Reynolds read a statement in which, he accused PAB Board Chair Shani Wilson of Sexual Harassment and Associate General Counsel to the PAB, [REDACTED], of trying to take his job. This information was brought to my attention by several staff and board members on Friday, May 6, 2022. Later that afternoon, I sent [REDACTED] an email to report these claims and to request a meeting for today.

I know this is a lot of information but I felt the need to give some background about this past week's events. Here are a few of the events that have occurred between Mr. Reynolds, myself and staff between 4/27/2022 and 5/6/2022. Note, these are the events that I know about.

- Friday, April 29th after sending the email to Mr. Reynolds, he asked me via Zoom if he should reach out to staff, I asked him not to reach out to staff and that I would schedule the meeting. He did otherwise and called staff.
- On Monday, May 2nd, Mr. Reynolds warned me to the effect that; I needed to be careful, so that this situation does not blow up in my face.
- During the meeting on May 4th, with staff Mr. Reynolds stated that he took "ownership" of their concerns and that he had let the staff down.
- On May 5th, after he met with the board, he called 2 staff members; 1 at 10:30 pm and another staff at 11-11:30 pm. I believe neither of them answered his call.
- On May 6th, he called several staff members. One staff told me that Mr. Reynolds shared some disturbing information with him. He met with another staff member in person and read his statement to them. He called me into his office on Friday afternoon, but did not share his statement with me, because he asked me if he told me something "could he trust that I would believe him." My response was, "It depends on what you tell me." At which he ended the meeting.

Also that day, I received a phone call from a Senior Staff member that several Jr. Staff members called him. They reported that Mr. Reynolds was calling staff from his personal cell phone to their personal cell phone and requesting to meet with them on a Zoom call. I told the Senior Staff member to let the staff know they did not have to take his calls or meet with Mr. Reynolds.

After I learned of this, I called [REDACTED] and sent an email to PAB Board telling them what was happening and asked them to reiterate to Mr. Reynolds that he should not be reaching out to staff. I was told that Me. Reynold would be told for a second time to not speak to staff about this matter.

I am requesting on the behalf of the PAB staff that Senior Staff members and I have an opportunity to address their concerns. I also want to make it known that some of the PAB staff have spoken to their supervisors about their concerns. The current work environment at the PAB has staff stressed, anxious, and concerned about retaliation. I am asking that these concerns taking seriously and earnestly.

Respectfully submitted,

[REDACTED]

[REDACTED]

[REDACTED]

EXHIBIT E



City of Rochester, NY
Rochester City Council

[Redacted]

Conor Dwyer Reynolds

[Redacted]

May 12, 2022

RE: Administrative Leave (suspension)

Dear Mr. Reynolds:

City Council has been informed that the Rochester Police Accountability Board (PAB) has voted to place you on Administrative Leave (suspension).

This letter is to inform you that the PAB's action means that, **effective immediately, you are hereby suspended with pay pending an administrative investigation.**

While on Administrative Leave you are not to report to any City facilities or access any City information.

All City records, City property issued to you or in your possession (laptop, tablet, mobile phone, keys, key fobs, ID badges, etc.) are to be returned immediately.

You are not to contact your supervisor, subordinates or co-workers. Any questions you may have regarding this matter are to be directed to me as your designated point of contact.

Access to City of Rochester email and any other access rights you may have to City technology systems or facilities will be immediately suspended and you are not allowed to access any City facility. City security will assist in the retrieval of any of the City property noted above.

You are encouraged to email ([Redacted]), call or text me ([Redacted]) with any questions.

Sincerely,

[Redacted Signature]

xc:

[Redacted]

[Redacted]

EXHIBIT F



Conor Dwyer Reynolds [Follow](#)

Jun 7 · 10 min read · [Listen](#)



I Reported Sexual Harassment by My Boss. A Week Later, I Was Suspended.

What happens next will shape the fate of police accountability in Rochester.



In the wake of Daniel Prude's death in 2020, Rochester's Police Accountability Board hired me as its Executive Director. Over the next year and a half, the

PAB grew from a fledgling idea into a functioning government agency. In months, we built a cutting-edge police watchdog organization from scratch — complete with over 30 amazing and trained staff, a new furnished office space, and rules that will set the gold standard for investigating allegations of police misconduct.

On May 12, we finalized a plan to start accepting reports of police misconduct within three days. Hours later, PAB's Board members voted to suspend me. Today, the agency has yet to accept complaints, and I have yet to be given any reason for my suspension.

I am proud of the work the PAB has done and has continued to do in my absence. However, I fear all this work will be undone if I do not tell my story. I believe I was suspended in retaliation for reporting sexual harassment I experienced at the hands of my boss: PAB's Chair, Shani Wilson.

After Learning About My Sexual Orientation, My Boss Repeatedly Propositioned Me and Punished Me for Rejecting Her Advances

Shani began sexually harassing me days after I started this job. On October 22, 2020, after learning I was bisexual, she told me I was a “unicorn” and that she found me attractive. Weeks later, on November 20, she came to my house at night, attempted to get me inebriated (I do not drink), told me she had feelings for me, and asked me to sleep with her. When I rejected her repeated advances, Shani used the power she holds over me at the PAB to punish me.

In many ways, the retaliation and harassment I faced was standard for people who resist their boss's advances. Shani humiliated and ridiculed me at work. She hugged and touched me without my consent. She told me intimate details about the sex lives of mutual friends and spread rumors about my sexual preferences with others. Whenever I tried to draw boundaries and maintain a

professional relationship, Shani would threaten me for not “acting like her friend” while reminding me of her romantic feelings toward me. What made this particularly awful, however, was the way it worked to exploit or distort my sexual orientation — for example, when Shani ordered me to end a romantic relationship I had with a woman while encouraging me to date men.

I did not speak publicly about it because I knew what happens when victims speak out about abuse at the hands of the politically connected. My harasser is close friends with city councilmembers, county legislators, state legislators, city bureaucrats, and even some of my employees. She serves on several boards and task forces that have brought her close to many other local power players, from nonprofit executives to leading journalists to the mayor. Most importantly, she has close relationships with many people in Rochester’s activist and faith communities. I believed that, if I spoke out, Shani would use these connections to launch a campaign to discredit my story and end my career. But I did tell my family about Shani’s first sexual advance in the days after it happened, reported the harassment to my therapist throughout the last year, and confided in my best friend that my boss had made unwanted sexual advances.

This April, I reached a breaking point. I saw how Shani’s abuse of power was extending beyond me. Her bullying and unethical behavior contributed to the resignation of two of our most important Board members, Dr. Celia McIntosh and Ida Perez. Then, in late March, Shani ordered me not to discipline an employee credibly accused of misconduct — an employee whom Shani had previously urged me to hire and promote. When I told Shani I would not obey this unethical order, she threatened to get me in trouble with the Board.

Most importantly, we were getting close to hiring an employee who would work directly with Shani. I worried that, if I did not speak up, someone I was tasked with protecting would be subject to the same harassment I had

experienced. I felt I had no choice but to disclose Shani's treatment of me to the Board.

When I Decided to Report this Harassment, My Boss Launched a Campaign to Discredit My Story and Destroy My Reputation

On April 19, 2022, I told Shani that I would be reporting the sexual harassment I had experienced to the PAB Board in keeping with the City's sexual harassment and whistleblowing policies. Shani responded by telling me: "I'm going to hurt you because you hurt me." I was so shocked by this statement that I wrote it down on a notepad shortly afterward.

On April 28, with no notice to the public or anyone else, Shani held a secret Board Meeting where she told Board members that I was having what she called "performance" issues. The next day, I received an email from a handful of my staff asking me to discuss these issues. These concerns focused on organizational issues within the agency, like a lack of communication and concerns about micromanagement. Nothing raised in the email or my subsequent conversations with staff to address those issues had anything to do with discrimination or harassment. To date, I am not aware of *any* such allegations against me.

The same day that I received that email, I learned that Shani contacted PAB Board members and asked them to hold an emergency meeting to discuss my "performance" issues. Over the next week, Shani held at least two secret meetings to discuss my work. A Board member recently admitted to me that there are no minutes or records of any of these so-called "retreats" and "listening sessions."

On Thursday, May 5, I met with the PAB Board and gave them a detailed report about both Shani's sexual harassment of me and her inappropriate order

directing me not to discipline her friend. As I did so, Shani laughed and tried to stop me from speaking. I had hoped that other Board members would protect me as their employee. Instead, a Board member said they wished I had not brought a “personal issue” to the Board’s attention.

Fearing the Board would not take my report seriously, I filed a formal complaint with the New York State Division of Human Rights. I also informed the PAB’s associate general counsel of the harassment.

It is my understanding that, instead of keeping my report confidential, Shani has disclosed it to city councilmembers, the mayor, and many community leaders. In doing so, she minimized my claims, asked people to not believe them, and framed me as incompetent.

A Week After Hearing My Report, the Board Suspended Me for Unknown Reasons

Meanwhile, I got back to work with my team at the PAB. We moved forward with a plan to open our doors to accept reports of police misconduct on Wednesday, May 18. Just before I left the office on the night of Thursday, May 12, I sent a letter to the PAB Board and RPD, which, in addition to requesting information from RPD, informed them that the PAB would be accepting reports of misconduct in the coming days.

A few hours after sending that letter, I got a knock at the door of my home. It was the City’s security team. They handed me a letter informing me that I was suspended and banned from speaking to my employees or entering my office. The letter did not say why I was suspended or how long the suspension would last.

To this day, I have not been told why I am suspended. (When I called City

Council's Chief of Staff to ask the reason behind my suspension, he said: "I don't think it's been defined.") Nor have I heard from the person that City Council hired weeks ago to investigate me.

Over the last few weeks, Board members have called to tell me what they think is going on. One said that, until I filed my sexual harassment claim, I wasn't going to be in trouble. Another said that what was happening to me was the result of a few Board members' "love" for Shani. As one Board member told me, "Honestly, this is not your fault."

The irony of all this is that, while building the PAB, I established a culture that encouraged staff to speak up about misconduct they witnessed on the job. For example, in late 2021, I filed a complaint on behalf of my employees with the State's labor department over the City Human Resources Department's illegal hiring practices. This spring, I encouraged one of my employees to file a complaint with the New York Division of Human Rights over retaliation they were experiencing for addressing misconduct by the City's Law Department. In May, I told another of my employees to do the same in the wake of sexual harassment they were experiencing at the hands of other City employees. The *Democrat & Chronicle's* recent report of two other DHR complaints involving PAB personnel could very well be these complaints I encouraged my colleagues to file.

If Left Unaddressed, the Harassment and Retaliation I Experienced May Prove Fatal to PAB

What is happening to me is as unsurprising as it is troubling. As we have learned since the start of the #MeToo movement, this is the price too many people pay when they speak up about sexual harassment by powerful individuals. #MeToo has also taught us that, despite whatever progress we've made, our culture still clings to false narratives about victims of sexual

harassment. As one Board member told me, people do not believe I was sexually harassed because they have seen me “socializing” with Shani.

The campaign to discredit my story, silence my voice, and destroy my reputation has been a living hell for me. The trauma of the harassment I experienced over the last two years has been compounded by the gaslighting and public humiliation I have been forced to endure these last few weeks. Worse yet, thanks to being outed without my permission, this has jeopardized my ability to navigate our biphobic world safely and on my own terms.

However, what I have had to endure personally pales in comparison to the tragedy this is for my staff, RPD employees, and our community.

This is a tragedy for the PAB staff because it suggests our agency is overseen by individuals who care more about their own reputations and protecting their friends from being held accountable for misconduct than they do about their employees. The PAB should not be a place where a Board member can intervene to stop an investigation into their buddy who is harming other employees. Nor should it be a place where, in response to a request to remove an alleged sexual harasser from positions of power in the agency, Board members empower the harasser to have even more contact with staff. My team has sacrificed their careers and their reputations to work at the PAB. They should not be forced to risk their safety, too.

This is a tragedy for every person working for RPD who is desperate to address the misconduct they see and suffer from coworkers. In a world where neither RPD brass nor the police union can be trusted to investigate their own, PAB exists to give police officers and staff a safe, effective way to file reports and obtain fair investigations. But RPD employees must wait for justice until they can be sure every single PAB Board member will not leak complaints, discredit whistleblowers, or downplay serious misconduct like sexual harassment.

Finally — and most importantly — this is a tragedy for our community. I know because I was born and raised here. Like too many Rochesterians, I have lost friends and family to the brokenness of our existing policing system. We all hope that people like Denise Hawkins, Alicia McCuller, Calvin Green, Craig Heard, and Daniel Prude did not die in vain. This hope led an overwhelming majority of Rochesterians to vote for an independent, community-led PAB dedicated to creating transparency, delivering accountability, and ending misconduct.

It would be a tragedy for this collective hope to be perverted for the sake of individual self-interest. The PAB is supposed to work in public, not behind closed doors. We are supposed to create transparency in government, not participate in cover-ups. We are supposed to make the powerful face accountability, not shield them from it. We are supposed to safeguard our independence from City Hall, not exchange that freedom for political protection. It is heartbreaking to see our agency threatened by the very culture of corruption the PAB was created to end.

Our Community Needs an Effective, Ethical, and Transparent PAB

There should be no doubt in anyone's mind that the PAB is worth fighting for. It remains the catalyst for the fundamental, community-led change that our public safety system so desperately needs. Almost everyone involved in the PAB's work is still trying to build the agency our community deserves. But if a handful of powerful people keep the PAB on its current path, the agency will do little more than perpetuate the status quo.

Still, we should not lose faith. I can't count the number of times that the PAB has been counted out and left for dead. Nor can I count the number of times our community has stood up and fought for the PAB it deserves. I know how tiring that fight can be, how impossible it can feel — especially when it is led



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wer. But I also know the energy
the PAB that generations of

Rochesterians have fought for.

I have faith in the community's ability to get us back to where we need to be.
So should you.

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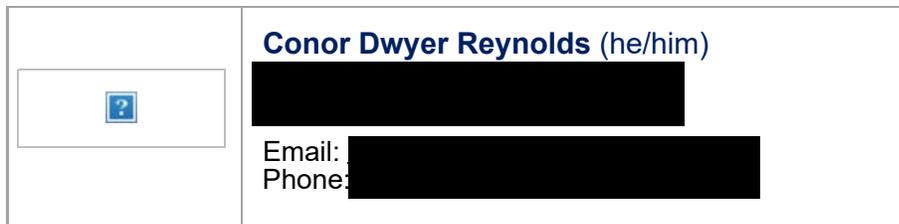


EXHIBIT G

From: [Reynolds, Conor D.](#)
To: [REDACTED]
Subject: RE: Staff Attorney Title
Date: Thursday, March 24, 2022 5:41:00 PM
Attachments: [image001.jpg](#)

Thanks for sending this [REDACTED], this was entirely the fault of the HR screening process here – and, more significantly, my own oversight during that process. You didn't do anything wrong, I did. I'm very glad legal caught the error before there were real consequences. Changing your title until you formally get notice of bar passage is solely to protect you. Senior Accountability Inspector will be the working title for you moving forward, though the moment you pass the bar, we'll celebrate the formal change to Staff Attorney. Happy to discuss this more in person.

Best,



From: [REDACTED]
Sent: Thursday, March 24, 2022 5:40 PM
To: [REDACTED]
Cc: Reynolds, Conor D. <[REDACTED]>
Subject: Staff Attorney Title

[REDACTED],

It has come to our attention that your email signature identifies you as a "Staff Attorney". NY rules of professional conduct as well as the ABA prohibits a law graduate from holding themselves out as an attorney. As such, we will have to change your job title and your email signature to reflect that you are not holding yourself out as an attorney and that you are a law clerk pending bar admission. This change prevents you from violating any ethics that would prevent your bar admission. Your job duties and pay will not be effected. At the point where you are admitted to the NY bar your job title will be restored back to a "Staff Attorney".